Jewish Rights at the Congresses of Vienna (1814-1815) and Aix-La-Chapelle (1818)

BY

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PREFATORY NOTE.

In 1916 The American Jewish Committee published a special edition of a work entitled "Jewish Disabilities in the Balkan States," by Max J. Kohler and Simon Wolf. This paper, which dealt in the main with the discussion of the civil and political rights of Jews at the Congress of Berlin (1878), was presented by Mr. Kohler at the twenty-fourth annual meeting of the American Jewish Historical Society, held at Philadelphia, on February 20, 1916.

At the twenty-fifth annual meeting of the American Jewish Historical Society, Mr. Max J. Kohler presented a paper dealing in a similar manner with the discussion of Jewish rights at two previous international Congresses, those of Vienna (1814-15) and Aix-la-Chapelle (1818). In view of the importance and timeliness of the subject The American Jewish Committee deems it advisable to issue a special edition of Mr. Kohler's second paper.

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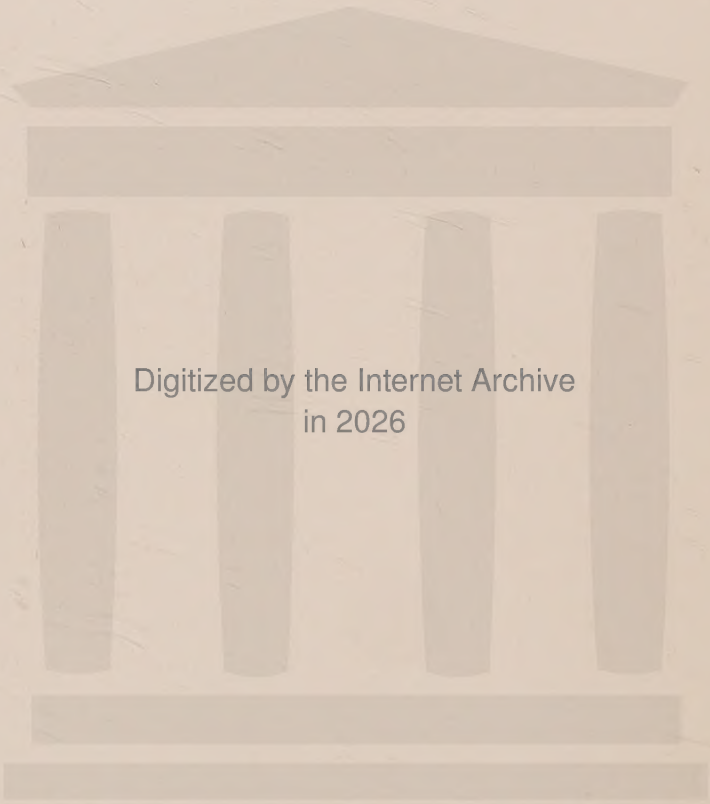
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JEWISH RIGHTS AT THE CONGRESSES OF VIENNA (1814-1815), AND AIX-LA-CHAPELLE (1818).

By Max J. Kohler, A. M., LL. B.

I.

The Congress of Vienna.

The consideration given to the subject of "Jewish Rights" at the Congress of Vienna, held at the close of the Napoleonic Wars, proved of considerable importance in the history of Jewish emancipation, though the narrative of the subject has been very much neglected. Probably for the first time in modern history, Jewish emancipation was officially passed upon at a conference of nations, and a resolution in favor of the principle was adopted, though its compromised form and the reactionary trend of events were such that it did not lead to as pronounced an improvement in the condition of the Jews as their friends had hoped. Jewish communities were officially represented at the Congress, although their spokesmen were not actually heard at any official sessions. More effective work was done by those not appearing officially through envoys, and the greatest statesmen of Europe publicly espoused the cause of Jewish emancipation at a time when, even in their own lands, the Jews generally labored under serious disabilities. A summary of the debates on the subject has been preserved in Klüber's *Acten des Wiener Congresses,* and in some of the memorials submitted on behalf of the Jews, which sources were sparingly utilized by Jost and Graetz in their histories of the Jews; but the numerous memoirs and the collections of letters of leading statesmen who figured at the Congress have not been drawn upon heretofore, although they modify Graetz's conclusions materially. Nor have specialized histories of various

German states and their Jewish communities, particularly those published during the past half-century, been heretofore utilized, while a great deal of material still exists in MS. in European archives. Unfortunately, the war has not only made it impossible to secure unpublished MS. material in Germany and Austria, but several scores of relevant printed works, chiefly German, which the writer has seen cited, could not be found in this country.

The conditions that confronted Europe at the Congress of Vienna were, in important respects, similar to those that are likely to confront the Peace Conference to meet at the close of the present war. The Napoleonic Wars, like the one in which civilization is now involved, saw material improvement wrought in the civil and political condition of the Jews, and the important question arose, whether the concert of the powers would safeguard these landmarks of civilization, or let each German state arbitrarily deal with them as it chose, at a time when public opinion was still inadequately formed, and when there was a strong tendency toward reaction and antagonism toward the French revolutionary spirit. This had established the abhorred revolutionary governments and measures, which force of arms had now unseated or called in question. It is to the signal credit of the greatest of the statesmen assembled at Vienna that they did not choose the line of least resistance, but, on the contrary, adopted a resolution on the subject, restricting individual German states from curtailing Jewish rights. Moreover, this Congress established an important international precedent in treating humanitarian questions, which had previously been regarded as matters of mere internal arrangement for each state. Freedom and equal rights for all Christian denominations were affirmatively guaranteed throughout the German states, and religious equality and liberty for all creeds in the Netherlands. Freedom of emigration from state to state in Germany was granted, and concerted efforts were

made toward the abolition of the slave-trade. Whatever its shortcomings, the Congress of Vienna set precedents which greatly tended to promote the cause of civilization and humanity. Moreover, as regards its provision for Jewish rights, its determination, in the autumn of 1816, called forth an emphatic protest against the course of the city of Frankfort-on-the-Main in persecuting its Jews, in violation of this treaty, which took the shape of identic notes from Austria, Prussia, England and Russia, probably the earliest joint international correspondence for the protection of Jewish rights.

The French Revolution, consciously to a great extent following our American precedent, had emancipated the Jews in France and Holland, and its influence in Italy, Germany and Austria had also been strongly in favor of abolishing Jewish disabilities.

In the Kingdom of Westphalia, which Napoleon had established, an effective scheme for Jewish emancipation was adopted and proclaimed. Karl von Dalberg, the Prince-Primate of the Confederation of the Rhine, had greatly alleviated Jewish disabilities in Frankfort, and granted enlarged rights on December 28, 1811, in consideration of large payments in money and bonds, though his edict was repudiated by the municipality in 1814.

Bremen and Lübeck at length saw Jews privileged to settle there, and Hamburg found their rights there greatly enlarged, but in 1814 voted against a confirmation of Jewish emancipation. States like Prussia in 1812, and Bavaria in 1813, had voluntarily followed the French precedents, and enlarged Jewish rights under the influence of French ideas and the more liberal spirit of the day. But scarcely had Napoleon been conquered, in 1814, than strong efforts were made to repeal all the ameliorating laws which revolutionary and semi-revolutionary governments had passed, and the Jews eagerly sought relief at

Vienna of a congress entrusted with the duty of establishing a German confederation.[1]

The Jews of Frankfort were officially represented at the Congress by Jacob Baruch, the father of Ludwig Boerne, and by G. G. Uffenheim,[2] J. J. Gumprecht being also active, as a petitioner,[3] and they submitted an able, extant memorial and petition to the Congress on October 10, 1814.[4] On May 12, 1815, they addressed a letter to Prince Hardenberg, the Prussian Chancellor,[5] which evoked a most sympathetic answer from that distinguished statesman.[6] Prince Hardenberg and Wilhelm von Humboldt were the leading advocates of Jewish

[1] Von Rönne and Simon, in *Die früheren und gegenwärtigen Verhältnisse der Juden des preussischen Staates*, Breslau, 1843, p. 19, called attention to the fact that the Jews had petitioned earlier peace-congresses held during the Napoleonic Wars for measures of emancipation. In fact, Michel Berr presented an appeal for a Jewish Congress at Lunéville in 1801, *Sulamith*, vol. ii, pt. 2, p. 320; vol. v, pt. 2, pp. 277-8, which is summarized in Kirwan's translation of Tama's "Transactions of the Parisian Sanhedrin," pp. 63-84. Even the Treaty of Westphalia of 1648, ending the Thirty Years' War, has been construed by a learned commentator as providing for Jewish toleration. See Pütter, *Geschichte des westfälischen Friedens*, Göttingen, 1795, p. 353, cited in Ruffini's "Religious Liberty," New York, 1912, p. 230. I am indebted for valuable references utilized in this paper to Profs. Gotthard Deutsch and Alexander Marx, Dr. K. Kohler, Albert M. Friedenberg, Leon Hühner, A. S. Freidus, and A. S. Oko, and to my wife. I am also greatly indebted to Frederic W. Erb, of the reference department of the Columbia University Library, for locating for me, often in libraries in distant cities, many of the works cited herein, and enabling me to utilize them in New York. See also, my paper, "Jewish Rights at International Congresses," in *The American Jewish Year Book, 5678*, p. 106 *et seq.*

[2] Klüber, *supra*, vol. vi, p. 610.

[3] *Ibid.*, p. 403.

[4] *Ibid.*, pp. 396-415.

[5] *Ibid.*, pp. 415-7.

[6] *Ibid.*, pp. 417, 8; see *infra*, p. 13.

rights at the Congress, and Metternich, Gentz and Wessenberg aided their efforts. Subsequently, on June 9, 1815, immediately after the Congress adjourned, Prince Metternich, its President, addressed letters to Baruch and Syndic Danz, confirming in the strongest terms the view that the Congress had secured the rights of the Jews in Frankfort,[7] and such a letter was also sent by Metternich, and another by Prince Hardenberg the next day, as will be shown later, to the representative of the Jews of the Hanseatic towns (pp. 30-2). The Jews of Bremen, Hamburg and Lübeck had selected as their representative at the Congress Dr. Carl August Buchholz of Lübeck, an able jurist, who had a short time before prepared an illuminating exposition of the duty of Jewish emancipation, and who submitted an able, printed memorial to the Congress, and held numerous conferences with Humboldt, Friedrich von Gentz, the distinguished Secretary of the Congress, and others on their behalf. Sir Adolphus W. Ward, in his chapters on "The Congress of Vienna" in *The Cambridge Modern History*[8] refers to the Jews of Strassburg as also being officially represented, but it is not unlikely that this was a mistaken reference to Hamburg.[9] Of course, unofficially, many other Jewish communities and leaders were active at the Congress in the cause of Jewish emancipation, particularly the Jewish communities of Prague, Berlin and Vienna, and individuals like the Rothschilds, Lämel of Prague, and the Arnstein, Herz, and Eskeles families of Vienna. Nor should one overlook the brilliant group of

[7] *Ibid.*, pp. 418-23; see *infra*, p. 29.

[8] Vol. ix, p. 588.

[9] However, it is quite possible that Ward's statement is correct, and we read, for example, that Michel Berr, who had done so much for Jewish emancipation in France and was, see *supra*, Secretary of the Napoleonic Sanhedrin, petitioned the Congress of Vienna for relief. See *Sulamith*, vol. v, pt. 2, p. 275, quoting one of his letters from the *Journal de France*, October 20, 1818. See his biography, by I. Broydé, in "The Jewish Encyclopedia," *s. v.*

Jewish *salon*-leaders of the day, Fanny von Arnstein, Cecilie von Eskeles, Madame Ephraim, Madame Pereyra and Madame Herz of Vienna, and Rahel Levin Varnhagen von Ense, and Dorothea Mendelssohn von Schlegel, with whom so many of the statesmen and potentates assembled were on intimate terms, and whose patriotism and intellectual gifts were so much admired. Strangely enough, the work of the Congress called the husbands of the last-named two, with their wives, to Vienna, there to join their scarcely less famous associates. It was naturally impossible to meet such brilliant people socially day by day, and yet uphold the theory that they were not entitled to equal civil and political rights and privileges.

The Congress of Vienna was in session from about the end of September, 1814, until June 9, 1815. An almost innumerable host of potentates and their representatives were in attendance, so that it was practically impossible to accomplish much at formal sessions, and nearly all the work was done at conferences of four, five or nine great powers, the great majority of envoys never being admitted even to any formal session, while brilliant social entertainments filled up the time. As controversies as to the disposition to be made of Poland and Saxony and differences as to establishing a strong German Confederation created almost interminable deadlocks, the Prince de Ligne's famous *bon mot* was justified, *le congrès danse, mais il ne marche pas.* Napoleon's escape from Elba and his reëstablishment hurried its work at the close and left much, which might otherwise have been agreed upon, unaccomplished. While Metternich, Castlereagh, Wellington, Alexander I, of Russia, Prince Hardenberg, Stein, Wilhelm von Humboldt, Nesselrode and Talleyrand were probably its chief figures, Ward's adoption of von Gagern's statement [10] is substantially correct, that the substance of the work of the Congress was

[10] *Supra*, p. 580.

carried on by a select group of political experts, consisting of Wessenberg Clancarty, Dalberg, Humboldt, Gentz and La Bésnardière. The subject of Jewish rights came up formally chiefly at the sessions of the Committee on German Affairs, at the beginning and again at the closing sessions of the Congress, the earlier meetings of this Committee having been suspended without accomplishing anything substantial. At the sessions of the Committee on German Affairs, consisting of representatives of Austria, Prussia, Bavaria, Hanover and Württemberg, Prince Metternich, on October 16, 1814, submitted a draft of twelve articles for a German Constitution on behalf of Austria and Prussia as a basis for discussion.[11] Metternich and Baron von Wessenberg represented Austria at these conferences, Prince Hardenberg and Humboldt, Prussia, and the Count of Münster and Count Hardenberg, Hanover, then a British possession. The draft in question is entitled as offered on behalf of Hanover as well as of Austria and Prussia.[12] Article 2 of this Constitution made it one of the purposes of the proposed confederation to " safeguard internally the constitutional rights of every class of the nation," [13] and Prince Wrede, the Bavarian envoy, at once contended that this phrase seemed to be too broad, particularly with respect to the Jews, as it might well be considered that they were not to enjoy in a particular state equal privileges with the rest. He contented himself with the declaration that only constitutional rights were involved, and that no sovereign's rights would thereby be curtailed, if such rights were not defined in the Constitution, and reiterated these objections in a written declaration soon afterwards.[14] At the

[11] Klüber, *supra*, vol. ii, p. 79.

[12] Klüber, *supra*, vol. i, p. 57. See Wilhelm A. Schmidt, *Geschichte der deutschen Verfassungsfrage*, edited by Alfred Stern, Stuttgart, 1890, pp. 209, 234 and *passim*.

[13] Klüber, *idem*.

[14] *Ibid.*, vol. ii, pp. 80, 91.

session of October 20, Württemberg also declared that a fuller and more definite formulation of the constitutional rights of every class of the nation was requisite,[15] in which view Prince Metternich acquiesced.[16] Count Winzingerode also refused to consent, by the instructions of the Württemberg Government, to such a curtailment of the rights of constituent sovereign states,[17] while Count Münster with Count Hardenberg on behalf of Hanover emphasized the absolute necessity of defining the rights of every German subject.[18] A resolution to define the constitutional rights of every subject was thereupon adopted.[19]

In December, 1814, Count Wessenberg, an Austrian representative, submitted a new draft, which contained an express, though limited, provision in favor of the Jews[20]; it provided a guarantee of equal civil rights for all Christians, namely, Catholics, Lutherans and Reformers, with the further comment "N. B., the toleration of the Jews is to be here incorporated."

[15] *Ibid.*, p. 97.

[16] *Ibid.*, p. 88.

[17] *Ibid.*, p. 107.

[18] *Ibid.*, vol. ii, p. 107, and vol. i, p. 68 at p. 70.

[19] *Ibid.*, vol. ii, p. 108.

[20] *Ibid.*, vol. ii, pt. 1 at p. 5. See Schmidt's account, *supra*, pp. 301-2, 447-56, 58 *et seq.*, of the efforts to secure provisions for religious liberty, and particularly his reference, *ibid.*, p. 302, to an unpublished letter of Dr. Buchholz, evidently in the Berlin Archives, "No. 102. *Réclamations des Juifs*," urging that Prussia should not permit the curtailment of rights already enjoyed by the Jews in that country through the power to be conferred on the *Bundestag* by the Constitution. Arneth's *Wessenberg*, Vienna and Leipzig, 1898, two volumes, contains much new material regarding Wessenberg's activities at the Congress, based on his diary and correspondence, but seems to ignore his pro-Jewish activities, though it is not unlikely that those documents contain some specific references. See also, A. Fournier, *Gentz und Wessenberg*, Vienna, 1907.

It is probable that the Austro-Prussian draft was intended to secure liberal provisions for Jewish rights, though purposely left vague and indefinite. Prince Hardenberg and Baron Wilhelm von Humboldt had long previously espoused the Jewish cause, and Metternich and Gentz were friendly disposed toward it. Baron Wilhelm von Humboldt already in 1809 had prepared a detailed report for the Prussian Government on Jewish emancipation in Prussia, going far beyond Dohm's famous work, which undoubtedly promoted the passage of the Prussian law of 1812, and he had given the subject deep thought, and was on intimate terms with prominent Jews and Jewesses. Humboldt's report is the ablest, most convincing and most profound treatment of the subject known to me, and it is remarkable that then already he emphasized the fact that a single state could not by itself satisfactorily solve the problem.[21] Prince Hardenberg had been largely responsible for the promulgation of the Prussian edict of 1812, which the King of Prussia issued only after much urging and with a great deal of hesitancy. Smidt, Bremen's representative at the Congress of Vienna, in a private letter to the Senate of that city, dated October 10, 1817, recently published,[22] reports that

[21] See Appendix A, *infra*, p. 71, containing a translation of this treatise and an outline of Wilhelm von Humboldt's relations to the Jews, *infra*, p. 63. The report is to be found in Wilhelm von Humboldt's *Gesammelte Schriften*, edited by B. Gebhardt, Berlin, 1903, vol. x, pp. 97-115. Substantially the same document is printed in Freund, *Die Emanzipation der Juden in Preussen*, Berlin, 1912, vol. ii, pp. 269-82, to which are added concurring opinions by Humboldt's associates. See also Gebhardt's *Wilhelm von Humboldt als Staatsmann*, 1894, vol. i, pp. 310-322; Ludwig Geiger's articles on *Wilhelm von Humboldt und die Juden*, in *Allgemeine Zeitung des Judentums*, vol. lxxvi, pp. 69-70, 593-4.

[22] Schwemer, *Geschichte der Freien Stadt Frankfurt*, vol. i, p. 399.

Privy Councillor Stägemann [23] and others in the *entourage* of Prince Hardenberg, had told him that the King of Prussia's signature to the edict had been secured only by Hardenberg's assurances that the other German states would surely follow Prussia's example, and thus the wholesale immigration of Jews into Prussia from other German states, where less favorable laws prevailed, would be avoided. Smidt adds that the Jews were indebted for their protection almost exclusively to Prince Hardenberg and the officials immediately under him.[24] This

[23] Ludwig Geiger, in *Monatsschrift für Geschichte und Wissenschaft des Judentums*, vol. lii, pp. 102-5 (1908), in summarizing passages from Stägemann's recently printed correspondence in his daughter, Hedwig von Olfers' biography, mentioned the fact that Stägemann stated that Baroness von Arnstein was especially affable to him on January 12, 1815, when he had just prepared a particularly satisfactory resolution for the Congress in favor of the Jewish communities of Hamburg, Bremen and Lübeck. Stägemann also noted his friend Hedemann's surprise on learning that the members of the Arnstein family and Mariamne Saaling were not baptized. Many excerpts from Stägemann's pen throwing light on the Jewish *salons* of Vienna of this time may be found in Regina Neiszer's review, *Aus vergangenen Tagen*, in *Allgemeine Zeitung des Judentums*, vol. lxxiii, pp. 476-8 (1909), of this same work, Hedwig von Olfers, *Ein Lebensbild*, Berlin, 1908. Doubtless, influence was also exerted through Jacob Salomon Bartholdy of the Prussian delegation in favor of Jewish emancipation. Bartholdy was a nephew of Mmes. Arnstein and Eskeles, and of David Friedländer, and a grandson of Daniel Itzig, one of the royal Prussian bankers, of Berlin, and he himself was a lieutenant in the Viennese militia, 1812-13, soon thereafter becoming Prussian Consul-General at Rome. See, as to him, von Gagern's *Mein Antheil an der Politik*, vol. iii, pp. 311-5, and the biography in "The Jewish Encyclopedia."

[24] See, for a contemporaneous Lübeck confirmation of this statement, Carlebach's *Geschichte der Juden in Lübeck und Moisling*, Lübeck, 1898, p. 68. Alfred Stern's interesting *Abhandlungen und Aktenstücke*, pp. 260, 261, shows that the King himself at the eleventh hour made unfavorable changes in the edict of 1812, and

was assigned as one of the chief grounds for Hardenberg's efforts to secure Jewish emancipation for all Germany at the Congress of Vienna. It appears, however, that two years later, in October, 1817, the King of Prussia in writing instructed Hardenberg to cease advocating the Jewish cause on behalf of Prussia as against Frankfort at the *Bundestag*.[25]

On January 4, 1815, Prince Hardenberg wrote a strong letter in favor of the Jews to Count Grothe, Prussian Envoy at Hamburg, at the instance of Dr. Buchholz, their representative.[26] He referred to the efforts being made at the Congress of Vienna on behalf of the Jews of Hamburg, Bremen and Lübeck for full and equal rights, and also mentioned the

> influence which Jewish houses exert upon the system of credit and commerce of the various German states, which cannot escape the notice of the Congress.

He stated that the restrictions recently imposed by the three designated cities on Jewish rights have all the more aroused his interest, as they are quite regardless of the future determinations of the Congress, and wholly inconsistent with the principles of the Prussian edict of March 11, 1812. He added the following cogent passages:

> The fate of the Jews in the remaining provinces and cities of the northern part of Germany cannot, since the enactment of the Prussian law, be a matter of indifference to the Prussian state, for continuing oppression and abhorred exclusion from rights, to which they are entitled as men, preserves a condition of immorality which has been made a reproach to them. The intention of our Government to extinguish the traces of prejudice, which has arisen merely from despicable and slavish treatment, by according to them participation in all civil rights and duties, has been

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Freund, *supra*, pp. 205, 206, confirms this. Compare Lewin, *Judengesetzgebung Friedrich Wilhelms II*, in *Monatsschrift für die Geschichte und Wissenschaft des Judentums*, vol. lvii (1913).

[25] Schwemer, *supra*, vol. i, p. 280; see also, *infra*, pp. 47, 48.

[26] Klüber, *supra*, vol. i, pt. 4, pp. 77-80.

frustrated. Moreover, the history of the past war against France has shown that they have become worthy, through true devotion, of the state which has taken them up. The young men of the Jewish faith have been companions in arms of their Christian fellow-citizens, and we have to point to examples of true courage and vaunted disregard of the perils of war among them, as well as among the rest of the inhabitants, and their women also, in particular, have mingled with the Christians in sacrifices of every kind.

If in other parts of northern Germany, the previously hostile system of treating the Jews continues, it must necessarily militate unfavorably against the spirit of the Prussian Jews, and retard their progress among us also, in view of the relations in which the families stand to each other, and particularly in view of immigration and intermarriage. Your Excellency is therefore respectfully urged by me to indicate the attitude of the Prussian Government in this respect towards the Jewish inhabitants of Hamburg, Bremen and Lübeck, and to induce the magistrates and corporations of these cities to pursue the course, with respect to a repeal of measures operating prejudicially toward the Jews, which the Prussian state adopted through the edict of March 11, 1812, equally at the behests of humanity and the requirements of the time, and in accord with a prudent system of state policy. In addition, it will not have been overlooked by your Excellency, as I have myself already remarked in promoting the disposition of our Government, that the commercial interests of the cities themselves suggest a milder treatment of their Jewish inhabitants, as they would, after all, not succeed in depriving the Jewish houses of their already acquired wealth, and continued persecution would merely incline the Jews to remove with their capital, which is so valuable to the Hanseatic towns, to other cities, in which the same rights as the Christian inhabitants possess would be accorded to them. Looking forward to early advices as to the results of your efforts

C. F. von Hardenberg.[27]

Vienna, January 4, 1815.
To the Royal Representative,
Count de Grothe,
Hamburg.

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[27] On the same day that he wrote this letter Prince Hardenberg furnished a copy of it to Dr. Buchholz, and assured him that his

Similarly, in answer to the petition by Jacob Baruch and G. G. Uffenheim on behalf of the Frankfort Jewish community, dated Vienna, May 12, 1815, Prince Hardenberg wrote:[28]

With respect to your memorial of the 12th of this month, on behalf of the Jewish inhabitants of Frankfort-on-the-Main, I have no hesitancy in advising you that, in view of the compact entered into by the Jewish inhabitants of Frankfort with their former sovereign on December 28, 1811, and performed on their part, they are justified in assuming that they do not require Prussian intercession on their behalf at the Congress at all, as it cannot be doubted that the status of the Frankfort Jewish community is legally established and lawfully fixed.

In as far, however, as the Jewish residents of the city of Frankfort seek to extend their civil rights beyond the compact made with their former sovereign, I would advise you to await the action of the Congress with respect to the civil rights of the Jews in Germany, and meanwhile to rest all the more assured of support from this quarter, as Prussia has already been in the van in adopting a special law in favor of her Jewish subjects.

C. F. von Hardenberg.

Vienna, May 18, 1815.

The recipients of these letters, however, would have had little opportunity to argue in Vienna in support of their mission, had Austrian official support not been accorded to them, for we learn from a work, published as late as 1913 by A. Fournier, *Die Geheimpolizei auf dem Wiener Kongress*,[29] that soon after

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efforts at the Congress would command his support, Carlebach, *supra*, p. 67. Some weeks later, February 13, 1815, L. L. von Höfner, Austrian *chargé d'affaires* at Hamburg, wrote in a sharper but similar strain to the Hanseatic towns at the direction of his court, *ibid.*, pp. 68-9. In the course of his letter to Lübeck he referred to the measures for Jewish emancipation as being demanded by "the dictates of humanity, the requirements of the time and a system of fatherly affection on the part of the state."

[28] Klüber, *supra*, vol. vi, pp. 415-8.

[29] Pp. 207-8.

Baruch and Gumprecht arrived in Vienna, a member of the secret police service, on October 27, 1814, recommended their immediate explusion, as a simple device to end their pro-Jewish propaganda! It is interesting to learn from these records that it was Mayer Amschel Rothschild, in conjunction with Gumprecht, who had induced the Prince-Primate in 1811 to make the compact with the Jews of Frankfort, which the city was now repudiating, and that Gumprecht was constantly their delegate and spokesman. It is stated that he was a Prussian by birth, had studied for several years at the Universities of Jena and Göttingen, and had lived at Frankfort with his wife for eight years.

Jacob Baruch, Ludwig Boerne's father, Gumprecht's fellow-delegate, was also a man of standing and ability, and Ludwig Boerne prepared several elaborate treatises, shortly before the Congress met, on the subject of the rights of the Jews of Frankfort.[30]

Gutzkow, in his life of Boerne, referred to the fact that Baruch, the father, is supposed to have been a schoolmate of Metternich, and rendered him politico-diplomatic services from time to time, and that the Jewish community of Frankfort tendered Baruch a present of 8000 *fl.* for his work at the Congress. Baruch refused to accept the gift. Ludwig Geiger in his edition of Boerne's works, published a note on Jacob Baruch's career and character.[31] Baruch's activities at the Congress and the intervention of the Rothschild family in favor of Jewish emancipation, are well described by Karl Varnhagen von Ense, the husband of the famous Rahel Levin, who was himself one of Prince Hardenberg's subordinates. Varnhagen in his

[30] They were published, with notes, in vols. iv and v of *Zeitschrift für die Geschichte der Juden in Deutschland*, as *Jugendarbeiten Ludwig Boerne's über jüdische Dinge*, by G. Schnapper-Arndt; see *infra*, pp. 44-5.

[31] Berlin, 1913, vol. ix.

Denkwürdigkeiten,[32] in writing on the Congress of Vienna said:

> Though the power of the house of Rothschild was then only in a formative stage, nevertheless its support of the demands of the Frankfort Jews for citizenship there, as well as of the Jews in general for universal German citizenship, stood them in good stead. To that cause Jacob Baruch devoted himself particularly, a brave and fine man, the father of the subsequently famous Boerne, and advocacy of the Jews of Lübeck was entrusted to Dr. Buchholz. This cause was impressed upon me strongly from various sides, but came before me officially only incidentally.

Much interesting information regarding Jewish activities at the Congress is contained in Dr. S. Carlebach's *Geschichte der Juden in Lübeck und Moisling,* based largely on an examination of the congregational archives of that city, although access to the municipal archives was refused to him. Moses Bloch of Lübeck took the lead in the work of endeavoring to keep in force the French, pro-Jewish, enactments, and excerpts from his correspondence with others active in the cause are published by Carlebach.[33] He turned first for advice to David Friedländer of Berlin, the distinguished champion of Reform, who had been active in the Prussian movement for Jewish emancipation and was married to another daughter of Itzig.[34] Bloch was also in close correspondence with Jacob Oppenheimer of Hamburg, who acted as chairman of a joint committee of the Jewish communities of the Hanseatic towns, formed at

[32] Vol. iii, p. 255.

[33] P. 61 *et seq.*

[34] See I. H. Ritter, "David Friedländer," vol. ii, in his *Geschichte der jüdischen Reformation,* 1861; "The Jewish Encyclopedia," *s. v.,* David Friedländer, and works there cited; Appendix A, I, *infra,* p. 67; and Ludwig Geiger's history of the Jews of Berlin; Freund's *Die Emanzipation der Juden in Preussen,* Berlin, 1912; Lewin's *Die Judengesetzgebung Friedrich Wilhelms II,* in *Monatsschrift, supra;* Adolf Kohut, *Alexander von Humboldt und die Juden,* Leipzig, 1871, pp. 68-95, and in *Allgemeine Zeitung des Judentums,* vol. lxxiii, pp. 247-51, 262, 263, 284-6; Ludwig Geiger, *Vorträge und Versuche,* Dresden, 1890, pp. 87-9, 131-52, 224, 225, 242, 243, 269, 270.

Friedländer's suggestion.[35] A niece of Oppenheimer subsequently married Francis Lieber,[36] and a son married Dr. Buchholz's daughter.[37] The invitations to attend the joint conference of representatives of the Jewish communities of Hamburg, Bremen and Lübeck were signed by Notary Bresselau of Hamburg, who subsequently rendered valuable services in modernizing the Jews of Germany. It appears that a member of the Hamburg branch of the Schiff family was also active in the conferences on Jewish emancipation held in connection with the Congress of Vienna.

The printed memorial submitted by Dr. Buchholz was an able plea for Jewish emancipation. In addition to following the outlines of Dohm's famous work of 1781, it incorporated cogent arguments based upon emancipatory laws meanwhile enacted, and emphasized in some detail the patriotism of the Jews in the Napoleonic Wars. It is a booklet of 157 pages, with a preface of four pages, dated Vienna, December, 1814. Dr. Buchholz, as shown by the diary of Friedrich von Gentz, was in constant communication concerning the subject of Jewish rights with him during the Congress beginning April 16, 1815. At several of these conferences Humboldt participated.[38] Carlebach published much interesting information about Buchholz and his work[39]; at his own instance, Buchholz

[35] Carlebach, *supra*, p. 62, letter of August 20, 1814. See M. M. Haarbleicher, *Zwei Epochen aus der Geschichte der deutsch-israelitischen Gemeinde in Hamburg*, Hamburg, 1867, p. 122 *et seq.*

[36] Isler's *Gabriel Riesser*, 1867, p. 587; Perry's "Lieber," vol. i, pp. 68, 82, 86, 390.

[37] Carlebach, *supra*, p. 97.

[38] Gentz, *Tagebücher*, vol. i, pp. 372, 380, 381, 382, 383, 385, 386.

[39] Pp. 56, 63 *et seq.* See also, Buchholz's biography in "The Jewish Encyclopedia," which unfortunately overlooked Carlebach's book. A long and favorable review of Buchholz's work appeared in the semi-official *Oesterreichischer Beobachter*, March 2, 1815, reprinted in *Sulamith*, vol. iv, pt. 2, pp. 178-87, which probably greatly helped the Jewish cause.

had previously espoused the Jewish cause and written in favor of emancipation, including a valuable 64-page work, *Ueber die Aufnahme der jüdischen Glaubensgenossen zum Bürgerrecht.*[40]

Some weeks prior to this, von Gentz had a conference on March 9, with Simon Edler von Lämel of Prague, the distinguished Jewish patriot,[41] and he accepted a commission from him to urge Jewish emancipation at the Congress. Pursuant thereto he held numerous conferences with Lämel, and prepared a memorial in favor of Jewish emancipation.[42] Moreover, one of von Gentz's closest Viennese friends and associates was the banker Leopold Herz, and he was possibly the husband of Lämel's famous daughter, Elise von Lämel-Herz, both of whom are the subjects of articles in "The Jewish Encyclopedia."[43]

The enormous social influence of the Herz family upon the leaders of the Congress is indicated by references in von Gentz's diary to dinners at their house during its sessions which he attended. For instance, under date of February 2, 1815,[44]

[40] Lübeck, 1814.

[41] *Tagebücher, supra,* p. 363.

[42] *Ibid.,* pp. 365, 371, 374, 382, 383, 385, 386, 389. See *Wilhelm und Caroline von Humboldt in ihren Briefen,* edited by A. von Sydow, vol. iv, pp. 565-7; W. Alison Phillips' sketch of Gentz in "The Encyclopædia Britannica," eleventh edition, vol. xi.

[43] See as to Lämel, Wolf's *Geschichte der Juden in Wien,* Vienna, 1876, p. 106; *Der jüdische Plutarch,* Vienna, 1848, vol. i, pp. 118-30; a lengthy necrology in the supplement to No. 40 of the *Allgemeine Zeitung des Judentums* for 1845, by Dr. G., a Catholic; "The Jewish Encyclopedia," and *infra,* p. 33; Ludwig Geiger, *Vorträge und Versuche, supra,* pp. 219, 266.. Wolf also prints references to the Herz family.

[44] *Tagebücher, supra,* p. 354. A long and interesting account of this dinner and the reception that followed is given in *Aus Karl von Nostiszs Leben und Briefwechsel,* Dresden, 1848, pp. 166-8. This shows that Wellington here made his first appearance at the Congress of Vienna and all the world rushed in to see the famous hero. Herz is there described as Wellington's banker.

von Gentz mentions dining at the house of Herz with the Duke of Wellington, Lord Castlereagh, Lord Clancarty, Prince Metternich, Prince Talleyrand, Prince Wentzel Liechtenstein, Count Löwenhelm, Count Palmella, General Koller, General Czernitscheff, Count Charles Zichy, and others. Fournier's records of the secret police [45] contain some of the comments that passed current regarding this famous dinner at the Jewish banker's. Gentz also refers to his meeting the gifted Dorothea Mendelssohn von Schlegel, daughter of Moses Mendelssohn, during these sessions.[46] The reference to Dorothea Schlegel is a convenient one with which to couple the provision regarding Jewish rights which her distinguished husband, Friedrich von Schlegel, then in the Austrian service, inserted in his draft of a German Constitution, for consideration by the Congress, in March, 1815. It read: [47]

Article IV, §3. In order that the benefit of religious liberty shall finally be enjoyed by all the inhabitants of the various German Confederated States, and no class within the same shall be considered as disregarded and excluded in this matter by the Fatherland, the Israelites also, throughout the dominions of the German Confederacy, shall receive complete civil rights. All dis-

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[45] *Supra*, p. 377 *et seq.*

[46] See Henriette Herz's account of her in Fürst, *Henriette Herz*, and Kayserling, *Jüdische Frauen*. Some charming letters written by her during the Congress are printed in Dr. J. M. Raich's *Dorothea v. Schlegel und deren Söhne, Johannes u. Philipp Veit*, Mainz, 1881, and there are many appreciative references to her in Humboldt's correspondence. See Appendix A, I, *infra*, pp. 65-8; "The Jewish Encyclopedia," *s. v.*, Mendelssohn (Dorothea); Hensel, *Die Familie Mendelssohn;* Unger, *Briefe von Dorothea und Wilhelm Schlegel an die Familie Paulus*, 1913, and the works cited in the bibliography; Ludwig Geiger's character study, in *Dichter und Frauen*, Berlin, 1896, pp. 128-150, also in *Deutsche Rundschau*, vol. clx, pp. 119-134 (1914).

[47] Pertz's *Leben des Ministers Freiherrn von Stein*, vol. iv, p. 420, vol. ii, part 2, p. 32; see Mejer, *Zur Geschichte der römisch-deutschen Frage*, 1885.

tinctions and disabilities conflicting with the rights of citizenship, under which they have till now labored, shall from now on cease and be wholly terminated; on the other hand, the Israelites shall be subject to military service in the same manner as other citizens, and as has been the practice in most of the German states during the period immediately past.

Most prominent among the social festivities during the Congress, with the sole exception of official functions, were those given by Baroness Fanny von Arnstein, wife of the wealthy banker, Nathan von Arnstein, of the firm of Arnstein and Eskeles, her sister, Madame Eskeles, being a close second. They were the daughters of Daniel Itzig and their homes were the centres of activity for the Prussian representatives in particular, though nearly all the prominent statesmen of the Congress were their guests from time to time. Varnhagen von Ense in his account of the Congress of Vienna [48] mentions the fact that Madame von Arnstein's *salon* was frequented by Cardinal Consalvi, Prince Hardenberg, Wellington, Capodistrias and Pozzo di Borgo, and he published a fine tribute to this high-minded, patriotic Jewess, as also a detailed sketch of her associates, Sara and Mariane Meyer, who became Frau von Grotthus and Frau von Eybenburg respectively.[49] Goethe was an admirer of the former. Dr. Kayserling, in his *Jüdische Frauen,* published long and sympathetic accounts of these brilliant Jewesses, which Berdrow's biography of Rahel Levin Varnhagen supplements. The same service is rendered by the collections of von Gentz's correspondence published very

[48] *Denkwürdigkeiten,* vol. iii, p. 237; see Hedwig von Olfers, *supra.*

[49] *Ibid.,* pp. 407-16, 635. See, for Sarah and Mariane Meyer, the detailed bibliography in Ludwig Geiger, *Vorträge und Versuche, supra,* pp. 219, 220, 267, and Varnhagen's collection of twenty-five letters from Goethe to Madame von Grotthus in *Denkwürdigkeiten,* vol. iv.

recently, especially that with Brinkmann.[50] Gentz reports the Prince de Ligne's *bon mot* regarding Baron von Arnstein's elevation to a baronetcy in 1804 that he was *le premier baron du Vieux Testament.*[51] The volume of secret-police reports,[52] contains a report of an entertainment given by Baroness von Arnstein on January 10, 1815, attended by the Prince of Prussia, Cardinal Consalvi, Prince Trauttmansdorff, Prince Hardenberg, Prince Hessen-Homburg, Count Capodistrias, Count Keller, Count Solms, Countess Bernstorff, and others and adds:

> **People say that Madame von Arnstein planned to have her *tableaux mouvants* surpass even those of the Court and that she accomplished her purpose.**

Other brilliant Jewish *salons* of Vienna at this period were those of Madames Pereyra, Ephraim, and Levy. The banker Geymüller is also described in some of the histories of the time as a Jew, but this seems to be a mistake. Of course,

[50] Edited by Wittichen, 1910. See Landsberg, *Henriette Herz*, Weimar, 1913; G. Heinrici, *Briefe von Henriette Herz an Twesten* in *Zeitschrift für Bücherfreunde*, new series, vol. v, pt. 2, 301-16, 333-47 (1914); Hahn in *Nord und Süd*, October, 1892; Adolf Kohut, *Alexander von Humboldt und die Juden;* Wurzbach, *Biographisches Lexikon*, *s. v.*, Franziska von Arnstein; Wilhelm von Humboldt's correspondence with Henriette Herz in *Aus dem Nachlass Varnhagen von Ense's; Briefe von Chamisso*, etc., Leipzig, 1867, vol. i, pp. 21-133; Sydow, *Wilhelm und Caroline Humboldt in ihren Briefen*, seven volumes, Berlin, 1907-14; Grunwald, *Oesterreich's Juden in den Befreiungskriegen*, Leipzig, 1908; *idem.*, *Die Feldzüge Napoleons*, Vienna and Leipzig, 1913; Hedwig von Olfers, *supra;* Ebstein, *Drei neue Bücher über Rahel Levin* [biographies by Ellen Key, Bertha Badt and A. Weldler-Steinberg], in *Monatsschrift, supra*, vol. lviii, p. 385 *et seq;* also *infra*, pp. 64-9.

[51] *Briefe an und von Gustav von Brinkmann*, etc., *supra*, p. 218; compare pp. 97-9.

[52] Fournier, *supra*, p. 339. See also, *Memoiren des k. pr. Generals Ludwig Freiherrn von Wolzogen*, Leipzig, 1851, p. 275.

all this social influence was potent upon the deliberations of the Congress.

Returning to Klüber's *protocol* of the debates at the Congress, the Committee on German Affairs resumed its sessions in the spring of 1815, and in the interim Prince Hardenberg's letter to the Hamburg envoy (pp. 11-12) had been written. We supplement the *protocol* particularly by reference to Schmidt's work, cited above, and the recently published municipal records of Frankfort [53] containing original contemporary reports from the leaders of the opposition to Jewish emancipation, Danz of Frankfort, and Smidt of Bremen, and the Jewish records of Lübeck contained in Dr. Carlebach's history. Early in April, 1815, Humboldt and Prince Hardenberg submitted a new draft of a constitution, prepared by the former,[54] which, in Article IX, expressly provided for unrestricted religious liberty. In view of opposition Prussia, on April 22, 1815, offered a new and much less satisfactory draft, analyzed in Schmidt's work on the basis of the MS. original in the Berlin archives, but overlooked by Klüber. It provided:

> The three Christian denominations shall enjoy equal rights in all German states, and adherents of the Jewish faith, in as far as they assume the duties of citizenship, shall have accorded to them corresponding rights, which, independently of their religious relations and political influence and activity in public offices (on which points determination by separate state constitutions is reserved) shall be equal to those of other citizens.[55]

This was superseded May 1, by a new draft, which provided in §9: [56]

> The three Christian denominations shall enjoy equal rights in all German states, and adherents of the Jewish faith, in as far as

[53] Schwemer, *supra*, vol. i, p. 136 *et seq.*, vol. ii; *Johann Smidt: Ein Gedenkbuch*, Bremen, 1873; B. Schulze-Smidt, *Bürgermeister Johann Smidt*, Bremen, 1914.

[54] Klüber, *supra*, vol. i, part 4, pp. 104-111; Schmidt, *supra*, pp. 445-8.

[55] Schmidt, *ibid.*, p. 449.

[56] Klüber, *supra*, vol. ii, p. 305.

they assume the duties of citizenship, shall have accorded to them corresponding civil rights.

Austria proposed a new draft the same month, Article XVII of which, after first establishing equal rights for Christian denominations, provided:[57]

Persons of the Jewish faith shall remain in the enjoyment of their already acquired rights, and are declared capable of securing civil rights in as far as they assume the performance of the duties of citizenship.

Humboldt criticized this clause as follows:[58]

To declare the Jews *capable* of acquiring rights is no apt term in a constitution. If they are declared capable, it is necessary also to grant the rights, and then it will again be too much to speak in general terms of civil rights. The Prussian version permits greater latitude, and yet it is more definite and more useful for the Jews. The guarantee of already acquired rights will give rise to much objection and even dispute in states where governments have adopted the French principles.

On May 23, 1815, Prince Metternich submitted a new draft on behalf of Austria and Prussia in the light of these criticisms, and it provided in Article XIV:[59]

Adherents of the Jewish faith shall receive, in as far as they assume performance of all the duties of citizens, corresponding rights of citizenship, and to the extent that this reform shall contravene state constitutions, the members of the Confederation declare that they will endeavor as far as possible to remove these obstacles.

Previously, on May 5, 1815, Smidt reported his employment in private conversation of the following extraordinary line of reasoning regarding the claims of the Jews of Frankfort:[60]

The Jews of Frankfort were, it is true, in a much better situation than those in the other cities, for it is well known that by the

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[57] *Ibid.*, p. 313; Schmidt, *supra*, pp. 453-4.

[58] Schmidt, *ibid.*, pp. 462, 463.

[59] *Ibid.*, pp. 320, 341.

[60] Schwemer, *supra*, vol. i, p. 136 *et seq.*

expenditure of large sums of money they had purchased full civil rights in Frankfort from the Grand Duke, who was no mere usurper but a universally recognized sovereign. But one must recognize that civil rights in a republic are entirely different from civil rights in a monarchical state. The former the Grand Duke had neither been capable, nor desirous, of selling, and the Jews had not secured them through the purchase, but merely had obtained municipal rights.

An account of the proceedings at the conference of the "United Princes and Cities" is[61] as follows:

Smidt had also succeeded in inducing the "United Princes and Cities," that is, all who were represented in the negotiations by a deputation merely, jointly to urge that the Jewish matter should be referred to the future *Bundestag*. . . . . In his report of the reading of the Austrian-Prussian provision on May 23 [above quoted], he noted how he had prepared the attitude of the hearers: "When the point regarding the reference of the Jewish matter came up, Count Rechberg first of all began to laugh, and the laughter became contagious and was followed by all in turn with a couple of exceptions. Among those not laughing the Prussian Humboldt surely was to be found. The latter was very much annoyed over the obstacle which the Prussian plan encountered, and he did not conceal his antagonism from Smidt either; he said he would surely not permit the reference [to the *Bundestag*], and advised Smidt to say nothing regarding it. The provision was unfavorable enough for the Jews, and his wing had contented itself with it most unwillingly. No one compelled the cities to accept new Jews as citizens, but those who already were located there must be treated properly. Smidt would only compromise himself if he took the matter up, and he, Humboldt, would in that event, proceed vigorously against the designs of the cities. Smidt prudently avoided Prussian anger by keeping in the background during the debate; he reserved matters for the chief battle."

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[61] Schwemer, *supra*, p. 138. That the free cities were not able to preserve their independence without a struggle, at Vienna, further appears from a letter of Humboldt to his wife, dated December 8, 1814, regarding Frankfort and indicating that Bavaria had designs, favored by Metternich, upon her territory. See von Sydow, *supra*, vol. iv, p. 435.

On May 26, 1815,[62] in discussing Article XIV of the Austro-Prussian draft, Bavaria urged that the article did not belong in the Constitution, and that matters that did not relate to internal regulations were to be referred to the Diet. Hessen-Darmstadt did not believe that the Jewish clause belonged in the German Constitution, but merely in the organic act. The representatives of the princes declared that the rights of the Jews should not be determined in the first Constitution, and might be considered in connection with Articles XVI or XVII, and that the subject be referred to the Diet merely.[63] Holstein declared that the status of the Jews should not be treated in the Constitution, and in no event would its delegates regard themselves as bound thereby. At the fifth conference on May 31, the matter came up again.[64] Austria and Prussia insisted that the principles to underlie the treatment of the Jews should not be left for determination to the Diet to meet at Frankfort, as indicated by some prior votes, but should be settled at once, because they were an important subject of general interest, the purposes of which could be accomplished only through uniformly adopted legislation. But as the terms "reform" and "rights of citizenship" seemed to arouse some objection, they suggested substituting for "reform" the word "improvement," and instead of "rights of citizenship," in order to avoid misunderstanding, "civil rights." The Hanoverian representatives declared that they supported the article proposed unconditionally, because the limitations it contained left it to the desires of the individual governments to determine to what extent they would modify, in accordance with the best interests of the state, their subsisting restrictions upon the Jews, standing in the way of Jewish admission to citizenship.

[62] Klüber, *supra*, vol. ii, p. 365.
[63] See *ibid.*, pp. 378-9; for Holstein see p. 365.
[64] *Ibid.*, vol. ii, pp. 440-1.

Upon the basis of this declaration not only many of the envoys, including Electoral Hessen, Luxemburg, Gotha, Schaumburg-Lippe, Waldeck, and Nassau, voted expressly in favor of the clause, but the representative of the Grand Duke of Hessen joined the majority; and Holstein, for reasons now reiterated in writing, Lübeck, Bremen and Frankfort voted for a reference of the subject, in view of its importance, to the Frankfort Diet. It was, however the next day resolved to make another effort to secure unanimity for a new version. The two Bernstorffs, on behalf of the Danish province of Holstein, in the written declaration referred to,[65] emphasized Denmark's friendly attitude toward the Jews, but called attention to their lack of instructions on the point, and hence favored a reference to the Diet. In the contingency of the conference desiring immediate action, however, they suggested a general clause, substantially like the following:

> Adherents of the Jewish faith, in as far as they assume the duties of citizenship, shall be assured a firm civil status, which the *Bundesversammlung* shall define more specifically.

At the session of June 1, 1815,[66] in view of the plan to secure unanimity for a new version, the following clause was submitted and approved:

> The Diet shall consider how the civil amelioration of the adherents of the Jewish faith in Germany can be effected in the most uniform manner possible, and particularly how the enjoyment of civil rights can be assured to them in exchange for their acceptance of all the duties of citizenship in the Confederated States. However, until then, adherents of that faith shall enjoy the rights heretofore accorded to them in the several states.

The Danish representatives for Holstein, the Bernstorffs, submitted at this session a more definite draft to evidence

[65] *Ibid.*, pp. 450-1.
[66] *Ibid.*, pp. 465-7.

their desire to go in this matter as far as possible without instructions. This draft provided:[67]

Adherents of the Jewish faith, in as far as they assume the duties of citizenship, are guaranteed civil laws protecting them, with respect to the rights accorded to them, against persecution, oppression, arbitrary conduct and expulsion on the part of the legislature.

A commission of two to edit the text of the Constitution, and report the next day, was appointed, and unfortunately, Senator Smidt, the leading opponent of Jewish rights, as well as President von Berg of Schaumburg-Lippe, became the members of this committee.[68] Danz, the representative of Frankfort, had meanwhile protested in writing vigorously against this clause, and attempted to reserve the right of not being bound thereby,[69] and the representative of Electoral Hessen also objected in general terms.[70] At the next conference, on June 2, it was decided to preface to this clause a declaration of equal rights for adherents of the Catholic and Evangelical churches.[71] Saxony, in writing, objected to the inclusion of the Jewish provision, giving it preference there over others, declared by it to be

[67] *Ibid.*, pp. 456, 463.

[68] *Ibid.*, p. 457. Family letters written by Smidt during the Congress and just published in the work of B. Schulze-Smidt, *supra*, indicate that he and his wife were on not unfriendly terms with Jews at Vienna. Thus, on September 28, 1814, he wrote (p. 334): "Mine [his wife] makes new acquaintances daily among Christians, Jews and Turks. . . . . With the Pilats and Schlegels we frequently have very agreeable intercourse." A few days later he made similar remarks about Varnhagen and his newly wedded wife, Rahel, who dined with the Smidts (p. 337), and previously, April 29, 1814, he wrote this from Paris, which is puzzling for that early date: "I live here in Paris, for the Jews an annoyance, for the Greeks a piece of stupidity" (p. 311).

[69] *Ibid.*, pp. 463-4.

[70] *Ibid.*, pp. 464-5.

[71] *Ibid.*, p. 471.

equally important, and urged that at least the clause continuing already acquired rights should be omitted.[72] The new draft was submitted[73] but not discussed till the 3d of June, when this clause, now §16, was provisionally approved, despite the opposition of Saxony, Bavaria and Hessen-Darmstadt,[74] while Bremen contended that this would not validate the French laws regarding the Jews in the 32d French Military Division which had included that city. At the session of June 8, 1815,[75] Bavaria once more objected to the article concerning the Jews, and the phrase "*by* the several states" was substituted for "*in* the several states," in the passage in Article XVI "continuing" Jewish rights, "heretofore accorded to them *in* the several states," till the Diet acted, on the ground that such a modification had been "previously acceptable,"[76] which fateful change of phraseology at the time attracted no attention. Frankfort's representative, in a memorandum dated June 5, 1815, expressing gratitude over the recognition of the independence of the city, qualified his earlier protests regarding the Jewish clause by stating that he had made them only to avoid misunderstanding.[77] The Constitution of the German Confederation was signed June 8, 1815, and Article XVI, referred to, read as follows:[78]

> The different Christian sects in the countries and territories of the German Confederation shall not experience any difference in the enjoyment of civil and political rights. The Diet shall consider of the means of effecting, in the most uniform manner, an amelioration in the civil state of those who profess the Jewish

[72] *Ibid.*, pp. 471, 477-9. See also, d'Angeberg, *Le Congrès de Vienne*, Paris, 1815, four vols., vol. iii, p. 1319.

[73] Klüber, *ibid.*, pp. 472, 490.

[74] *Ibid.*, pp. 501-2.

[75] *Ibid.*, p. 535; compare, p. 502.

[76] *Ibid.*, vol. ii, p. 535.

[77] *Ibid.*, p. 542.

[78] *Ibid.*, pp. 587, 610-11; English rendering from Herstlet's "Map of Europe by Treaty," vol. i, p. 205.

religion in Germany, and shall pay particular attention to the measures by which the enjoyment of civil rights shall be secured and guaranteed to them in the Confederated States, upon condition, however, of their submitting to all the obligations imposed upon other citizens. In the meantime the privileges already granted to that sect by any particular state shall be secured to them.

Friends of Jewish emancipation thought that they had won a good fight in securing a declaration in favor of amelioration to be carried out by the Diet, but, in the meantime, a preservation of rights theretofore accorded. Gentz made an entry in his diary on June 9, 1815.[79]

L'affaire des juifs hereûsement terminée; l'acte de la confédération ayant été signé hier, sans que l'article qui les concerne, ait été ébranlé.

Prince Hardenberg and Metternich also, soon after, so expressed themselves in writing. But the contemporaneous private letters to the Frankfort public authorities from their representative indicate that Smidt deliberately made the apparently merely stylistic change from " in " to " by," radically changing the sense, as was thereafter contended. Smidt expressed himself privately as well satisfied.[80] In fact, Klüber, in his work *Uebersicht der diplomatischen Verhandlungen des Wiener Congresses* in the chapter on Jewish Rights [81] said:

Senator Smidt, the representative of the free Hanseatic town of Bremen, had, at a session prior to June 8, proposed the substitution of " by " for " in " with particular reference to this point.

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[79] *Supra*, p. 385.

[80] Schwemer, *supra*, pp. 140-1.

[81] Pp. 375-96, 384, note. This work is obviously that of an anti-Jewish partisan, and Klüber seems to have adopted this attitude already during the sessions of the Congress. As the leading writer on the Congress he greatly injured the Jewish cause. See also the Jewish references in his *Oeffentliches Recht des deutschen Bundes und der Bundesstaaten*, edition of 1840, pp. 216b, 232, 465, 467e, 516, 525, 529.

Bavaria and Saxony had supported his proposition and the rest did not oppose, but this was not inserted in the protocol.

Klüber added a note that this omission had occurred "perhaps by accident," evidently reflecting on von Gentz's pro-Jewish attitude. Through a ridiculous blunder, Graetz intimated that von Gentz falsified the later entry in opposition to Jewish rights, and that the change was never authorized.[82]

The Frankfort archives show that the representative of the municipality also was caught napping, and that he was astounded to learn [83] from Prince Metternich's letter of June 9, 1815, to Baruch,[84] that another provision had been inserted in Article LXXX, particularly applicable to the Jews of Frankfort, which Metternich publicly invoked when the Congress adjourned, as confirming Prince-Primate Dalberg's grant. Metternich wrote:

In answer to the petition of the Jewish deputies of the City of Frankfort-on-the-Main, dated October 10, 1814, to the High Congress, praying for a confirmation of the compact of December 28, 1811 with the former Grand Duke of Frankfort regarding the Civil Rights of the Jews, they are informed, that in the Independence Act for the free City of Frankfort, the magistrates are advised that all well-acquired rights of every class of inhabitants are confirmed, and every contravening regulation is to be avoided. By this disposition, the Jewish community of Frankfort-on-the-Main will find satisfaction, as the legal compact which they had previously made is fully confirmed.

PRINCE METTERNICH.

Vienna, June 9, 1815.
To MR. BARUCH of Frankfort.

While the pro-Jewish edicts of revolutionary governments, like Hamburg, Bremen and Lübeck, were not so sweepingly and unequivocally permanently confirmed, those of the regularly-

[82] *Geschichte*, German edition, vol. xi, p. 626, note. The same error was carried over into Martin Philippson, *Neueste Geschichte des jüdischen Volkes*, Leipzig, 1907, vol. i, p. 87.

[83] Schwemer, *supra*, pp. 141-2.

[84] Klüber, *supra*, vol. vi, pp. 418-9.

constituted governments of other German states, particularly Frankfort's, were. Both Metternich and Hardenberg wrote letters after the Congress adjourned regarding its action in relation to the Jews of the Hanseatic towns [85] indicating that they thought the Jews had won their fight there, too.

Prince Metternich wrote to Dr. Buchholz as representative of the Jews of the Hanseatic cities under date of June 9, 1815:

The Powers assembled here at the Congress, not unmindful of the welfare of individuals, have resolved that persons of the Jewish confession in the German Confederated States shall be assured general civil rights. But as the circumstances of the day made it impossible fully to carry out this subject at the Congress of Vienna, it was meanwhile decided that the German *Bundestag* at Frankfort shall deliberate in what way general civil rights shall be conferred on the Israelitish communities of Germany, and that until such deliberations are concluded, the liberties and rights conferred upon the Israelitish communities in the various confederated states shall be preserved intact. This is communicated to the representative of the Israelitish communities in Germany, Dr. Buchholz of Lübeck, in answer to his memorial to the Congress dated December 9, 1814, in order to give to those communities the assurance that the welfare of the Israelitish communities will be considered at the *Bundestag*, and that active measures will be taken for conferring upon them these general rights.

PRINCE METTERNICH.

Prince Hardenberg, under date of June 10, 1815, wrote to the Senate of Lübeck:

The undersigned, Chancellor of State of his Royal Highness the King of Prussia, has learnt with much regret from the reports of his Majesty's envoy, Count de Grote, that the representations he had been instructed to make on behalf of the Jewish inhabitants of the city have thus far been ineffective.

Consideration of the subject by the Congress here had induced the undersigned to preserve silence on it until a determination was had. Now, however, that a resolution on the subject was adopted by the Congress, providing that the civil rights of the

[85] Carlebach, *supra*, pp. 73-5; Klüber, *Acten*, *supra*, Erlangen, 1835, vol. ix, pp. 334, 335.

Jews be referred for determination to the Diet of the Confederacy, the undersigned cannot refrain from reiterating the disposition of Prussia on the subject, and flatters himself that the noble Senate, as well as the municipality, when made acquainted therewith, will give weight to wishes as just as they are humane, and will heed intercessions of governments to whom the city owes so greatly the recognition of its independence.

Prussia has afforded an example by its legislation to the rest of Germany, and proceeded with the fullest conviction that there was only one remedy for eliminating most effectively and surely the disadvantages that were feared from the adoption of persons of the Jewish faith into the body corporate, that is, to accord to persons of that confession the enjoyment of full civil rights in exchange for their assumption of the duties of citizenship.

The Hanseatic Cities, which are so intimately connected with the Prussian State, cannot refrain from imitating this example, without directly contravening the purpose of the Prussian Government to bind its Jewish inhabitants to their Fatherland, and in this way to secure favorable results as well for themselves as for the state; all the more so, as the Hanseatic cities have so many recognized obligations toward Prussia, and are so closely related to her through their common ties, binding them together in a united German Fatherland.

How unjust and unfounded the fears are that the advance of the Jewish families in the commercial cities will be to the detriment of Christian merchants, is demonstrated by the commercial cities of Prussia, which stand in no different relationship than the Hanseatic towns. The Jewish families since the enactment of legislation in their favor have not progressed relatively more; no Christian commercial house has had its welfare sacrificed; just as many commercial houses exist as before, and they transact their business with the same good fortune as ever, without our having the slightest complaint in the matter.

Under the terms of Article XVI of the Constitution of the German Confederation, it cannot be doubted that the civil rights of the Jewish inhabitants of the Hanseatic cities are preserved until action by the Diet in the premises, in accordance with the French legislation fixing these rights, and in line with the Prussian legislative policy and the principles of rational toleration. The undersigned requests the noble Senate, after communicating these views and arguments to the municipality, kindly to act towards that end, and thereby to pave the way for a sympathetic reception

by the city of the resolution of the Diet, which may be expected to be introduced, inasmuch as the opinions expressed at the Congress by a decided majority, and the resolution of the Congress that followed, leave no doubt that it is the earnest intention of all Germany to accord the enjoyment of civil rights to her Jewish inhabitants, upon their assumption of the obligations of citizenship, and in this way to gain for the cause of Christianity not merely relief in the most just manner, from the heavy stigma which has been resting on her for so many years of cruel intolerance, but also in that it will make possible a transition for the better for a numerous class of inhabitants of Germany in the most liberal, rational way.

The undersigned gladly avails himself of the opportunity to assure the noble Council of his esteem.

C. F. von Hardenberg.

Vienna, June 10, 1815.

It will be observed that these letters deal with the article of the Treaty of Vienna as if it had not been materially changed through the substitution of the words "*by* the several States," for "*in* the several States." Either the verbal amendment had escaped the attention of Hardenberg and Metternich, or, as is indicated by Hardenberg's express reference to the French legislation, they regarded it as immaterial, inasmuch as a reasonable construction continued in force legislation even of such *de facto* revolutionary governments.

Dr. Carlebach narrates most sympathetically and in detail the long, futile and heart-rending struggle of the Jews of Lübeck to preserve their rights, thus "guaranteed" by the Powers, but, despite remonstrance and protest after remonstrance and protest, the Jews were expelled from Lübeck and Bremen, even in the nineteenth century! The extraordinary circumstance is noted by him that it was intimated to the Jews of Lübeck, in the course of the struggle, that appeals for aid to extra-municipal powers might even lead to prosecutions for treason![86] Unfortunately the Jewish communal records for

[86] *Ibid.*, p. 84.

this period of Hamburg and Bremen remain unpublished, and this is very largely true of Frankfort, too.

An interesting contemporary account of the inner struggle for Jewish rights at the Congress by one of the leading champions of the Jews has now seen the light, in the recently published correspondence between Wilhelm von Humboldt and his wife.[87] Writing to his wife on June 4, 1815, shortly before the Congress adjourned, Wilhelm von Humboldt said:

Since the beginning of the Congress, the Jews sought to acquire complete rights of citizenship in Germany. I have always been favorably disposed toward this matter. I know, however, that you think differently, sweetheart, but I have considered the matter a great deal at different times and remain loyal to my old views. It is, moreover, an idea of my youth, for Alexander and I were regarded, even when we were children, as bulwarks of Judaism. I took up the matter here all the more, because, as Prussia has accorded almost complete rights to her Jews, it would be better for us that such legislation should be general, because otherwise all the Jews would flock to us. . . . . An old man[88] from Prague, whose demeanor pleased me quite well, as he was not among the new fashioned Jews, came to see me a few times, and urged the matter upon me. Thereupon I drafted an article according to my convictions; in the present conferences this became a chief topic of debate, not by reason of the fact that there were not more important ones, but because the more important ones were not discussed, as it was realized that it would result in separating us further, instead of uniting us. Metternich, Wessenberg, Hardenberg and I maintained the cause as well as we could. Rechberg

[87] Edited by von Sydow, *supra*, vol. iv, pp. 565-7. Varnhagen von Ense reports that Humboldt kept a detailed diary of his activities, political and social, at the Congress of Vienna, but that it was accidentally destroyed. See *Briefe von Chamisso*, etc., *supra*, p. 13. There is, therefore, little chance of this journal being included in a later volume, to be entitled *Tagebücher*, of the definitive edition of Humboldt's collected writings, issued by the Royal Prussian Academy of Science, from which Appendix A, II, *infra*, p. 71 *et seq.*, is taken, in translation.

[88] Probably Simon Edler von Lämel. See Gentz, *Tagebücher*, vol. i, as cited *supra*, p. 17.

[Bavarian envoy], Darmstadt, Saxony and the Hanseatic cities constituted the principal opposition. The matter came up at two sessions; Metternich nearly abandoned it in accordance with his habit, but I persisted, gave the matter new direction, and yet made it free from detriment by merely referring it to the future *Bundesversammlung*, but preserved the already acquired rights of the Jews. Much has been said about the matter, that I alone composed the article and secured its adoption.

Humboldt went on to mention the fact that the old gentleman in question, after the Jewish article had been adopted, called to see him, thanked him unceasingly, and offered him three rings, emeralds set with brilliants, as a present, stating that he could, if he preferred, have a credit of 4000 ducats with him. As above pointed out, the Frankfort Jewish community similarly endeavored to show their appreciation of his services to their representative Baruch, about the same time; Humboldt, like Baruch, however, declined the present, and stated that what he had done, had been done merely for the sake of the Jews, and that he would accept no present for it; and he also declined a proposed present of silver plate, to be made for him and delivered a year afterwards.

There are other references to the Jews in Humboldt's letters to his wife during the pendency of the Congress of Vienna. Under date of December 4, 1814, he wrote:

[Madame] Levy Varnhagen I spoke with recently, when I visited [Madame] Arnstein on her birthday. She had previously told Prince George [Crown Prince of Mecklenburg-Strelitz] that she is in disfavor with me. For that reason, as this leads to nothing further, I was very friendly toward her.[89]

Previously he had quoted von Gentz's characterization of Rahel Levin as "the most intellectual woman on earth" to his wife, but added:

One must be able even to forego intellect; I remained inexorable; [90]

[89] Von Sydow, *supra*, vol. iv, p. 430.

[90] *Ibid.*, p. 80.

and *à propos* of Rahel's marriage to Varnhagen and the possibility of her becoming an ambassadress or excellency, he said:

There is nothing that the Jew does not achieve.[91]

On January 17, 1815, he wrote to his wife:

Arnsteins have again given wax-figures. I did not attend. I am working with all my might to give the Jews all civil rights, so that it will no longer be necessary, out of generosity, to go to Jewish houses. But they do not love me at all.[92]

He also wrote on January 13, 1815:

Recently, at dinner at the Chancellor's [Prince Hardenberg] several of his advisors maintained that the edict he issued regarding the Jews [emancipation of the Jews, March 11, 1812] had resulted in bad consequences, which were particularly detrimental, in the small cities. He, who was always very liberal, argued against this. I am wholly of his opinion and approve of the edict. It cannot possibly be prudent forever to maintain the old discrimination against Jews by Christians, and even to increase the prejudice. However, I would not care, as he does, to argue away occurrences asserted by informed people, and I positively believe that the incidents, which I do not deny, are to be ascribed to other circumstances, if only because one has perhaps neglected to do things that it was necessary to have done simultaneously with the edict.[93]

Elsewhere Humboldt explained more fully what he meant by his remark that some things had been neglected. This was, the Germanization of the Jews, their assumption of the duties of German citizenship, and the like, which he had had incorporated in the Treaty of Vienna in connection with the conferment of the rights of German citizenship. In a letter to his wife, written April 9, 1816, he made this clearer, saying:

But to return to the Jews; much remains to be done that has been neglected, instead of repealing what I have always approved, granting them rights of citizenship. Why, for example, does one

[91] *Ibid.*, p. 395.
[92] *Ibid.*, p. 458.
[93] *Ibid.*, p. 454.

authorize their purchase of exemption from military service? Why does one not devise means to promote other pursuits [than trading] among them?[94]

So also, in a memorandum prepared by Humboldt for the Chancellor, as to Prussia's proposed course at the Diet, the former wrote under date of September 30, 1816, regarding Article XVI of the Germanic Constitution:[95]

DETERMINING THE RIGHTS OF THE JEWS [ARTICLE XVI].

Prussia, in addition to general considerations, is specially interested in securing action, so that the Jews will not be too greatly lured into Prussia by the circumstance that the Jews enjoy much greater privileges there than in the rest of Germany. With respect to the subject proper, of improving the political condition of the Jews, two disadvantages commonly connected therewith should be avoided, if possible: (1) that the Jews will not avail themselves unduly of newly-acquired rights in order to enlarge merely their moneyed business affairs, or even to turn other pursuits [like the purchase of real estate, agriculture, etc.] into moneyed business; (2) that they will not continue too much to remain a separate community in matters other than their religious affairs, and one denomination seek to supersede the other, in consequence of which various detrimental misunderstandings would arise in the performance of civil obligations and also in the exercise of their callings.

It is convenient here to point out that Freiherr von Stein had occupied a rather anomalous position with respect to Jewish disabilities. While in general liberal, an enthusiastic advocate of a powerful German empire and of a constitution guaranteeing individual rights, he had been the official at the head of the reconquered German territory which included Frankfort, and angered Metternich and Hardenberg by prematurely and unconditionally recognizing Frankfort's independence. A commission appointed by him in 1814 reported

[94] *Ibid.*, Berlin, 1912, vol. v, p. 228.

[95] *Gesammelte Schriften*, Berlin, 1904, vol. xii, pt. i, p. 53 at 113.

adversely to the validity of the grant to the Jewish community in Frankfort, and on an appeal to him on the part of the Jews of Frankfort, dated September 5, 1814, for a recognition of the rights of the 3000 Jews involved,[96] von Stein, under date of September 7, 1814,[97] advised the Jews that he could not change the determination, but that they would have to come to an arrangement with the municipality. As seen, however, Hardenberg and Metternich pursued a course favorable to Jewish rights. On the other hand, during the Congress of Vienna, von Stein was officially an adviser of Russia, and under date of November 4, 1814, he addressed a vigorous letter to Emperor Alexander, urging him to use his influence to establish a strong German union, with a constitutional guarantee of "rights for all the inhabitants of Germany," that Germany cease to be "a large gathering place for oppressers and oppressed,"[98] and that the Emperor write a note to this effect. Alexander I did, in fact, hand a note of this tenor to Metternich and Hardenberg on November 11, 1814,[99] urging that a constitution be adopted "defining the rights of all, and protecting them through firm and liberal provisions." Stein's draft of a constitution, submitted for Russian consideration in January, 1815, provided for a "formulation in the Constitution of the common rights of all Germans." There is no tangible evidence that von Stein acted *pro* or *contra* at the Congress on the question of Jewish rights, but contemporary Jewish opinion, to the effect that he

[96] *Aktenmässige Darstellung der Bürgerrechte der Israeliten zu Frankfurt*, 1816, pp. 33-4, appendix ix.

[97] *Ibid.*, appendix x.

[98] Pertz, *supra*, vol. iv, pp. 148-9; see Stein's diary, edited by Lehmann, in *Historische Zeitschrift*, vol. lx, p. 400; and Wilhelm A. Schmidt, *Geschichte*, *supra*, p. 248 *et seq.*

[99] *Ibid.*, pp. 150-1. Even previously Nesselrode in the Czar's name seems to have interceded with the free Hanseatic cities on behalf of the Jews: Haarbleicher, *Zwei Epochen*, etc., *supra*, p. 137.

was privately hostile to them, is confirmed by a letter written by Wilhelm von Humboldt to his wife on April 9, 1816,[100] in which he combated her anti-Semitic views, and said that her statements that the Jews possessed one-third of the houses in Berlin and the best ones at that, would be ammunition for von Stein, in connection with the latter's project to colonize the Jews on the coast of North Africa!

More important, however, as a landmark in the history of religious liberty in general is the provision of the Treaty of Vienna concerning the Netherlands (Article LXXIII), incorporating and ratifying the "Eight Articles" secret treaty of Holland with England, Austria, Russia and Prussia of the preceding year (1814), which was probably the first international treaty which provided for absolute religious liberty. Its significance is commonly overlooked even by writers on international law, probably because of unfamiliarity with some details in the history of the Netherlands involving enforcement of this very provision. It was a Belgian publicist, Jean De Ridder, who called attention to it a few years ago, in an address on *La Liberté de Conscience en Droit International.*[101] The clauses in question, establishing the union of Holland and Belgium, provided that the Articles of the new Constitution of the United Kingdom which assured to all creeds protection and equality before the law, and guaranteed the right of all citizens, regardless of religious belief, to admission to public employments and offices, should remain unalterable.

[100] Ludwig Geiger, in *Allgemeine Zeitung des Judentums*, vol. lxxvi, pp. 69, 70, quoting from the work edited by von Sydow, Berlin, 1912, vol. v, p. 228. On the other hand, Freund, *supra*, vol. i, p. 125, cites Pertz, *supra*, vol. iii, p. 125, for the proposition that Stein approved Schrötter's emancipatory edict, but rejects this himself; Alfred Stern, *Abhandlungen und Aktenstücke*, p. 228, is to the same effect.

[101] *Revue Droit International et de Legislation Comparée*, 1905, Series II, vol. ii, pp. 283-302.

Article LXXIII of the Treaty of Vienna provided: [102]

S. M. le Roi des Pays-Bas ayant reconnu et sanctionné, sous la date de 21. juillet 1814, comme bases de la reunion des provinces belgiques avec les Provinces Unies les huit articles renfêrmes dans la pièce annexe au present traité, lesdits articles aurant la même force et valeur, comme s'ils etoient inserés de mot à mot dans transaction actuelle.

Article II of the Treaty of Eight Articles, signed at The Hague, July 21, 1814, provided: [103]

Il ne sera rien innové aux articles de cette constitution que assûrent à tous les cultes une protection et une faveur égales et guarantissant l'admission de tous les citoyens quelle que soit leur croyance religieuse, aux emplois et offices publics.

Jean De Ridder says of this provision:

Here we find guaranteed for the first time in an international treaty, and one of the most important ones at that, not only the equality of all Christian confessions, not only the necessity of leaving to certain citizens, rights which they already enjoyed under their old sovereign, but the equality of all creeds, and admission of all men to public employment and office, whatever their religion. Jews, Buddhists, Mohammedans or Christians, all were given equal rights in the eyes of the law; the state gives them equal protection. I may remark, in passing, that this article of the Treaty of Vienna rendered binding upon the Prince of Orange, the Constitution which had been given to us and which provoked such violent protestations, particularly on the part of the Bishop of Ghent, de Broglie. These protestations could not have effect; they were contrary to the international obligations of the sovereign. One sees what immense progress the cause of religious liberty had made. The principle had at length been fixed in all its amplitude, and all the Powers guaranteed it. That is not to say, however, that the recognition of religious liberty by the law of nations was definitive. Even now, one cannot consider it complete. But a great step forward had been made.

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[102] Klüber, *supra*, vol. vi, p. 68; d'Angeberg, *supra*, p. 1418, see pp. 182, 183, 207.

[103] Klüber, *supra*, p. 176.

The circumstances referred to by M. De Ridder deserve fuller consideration. On March 28, 1814, a proposed Constitution for the two states was drawn up, providing, as seen, in Articles CXC-CXCIII for absolute religious liberty and equality.[104] One of Holland's most distinguished Jews, Jonas Daniel Meyer, was one of the chief framers of this Constitution.[105] The four Powers had entered into the Treaty of 1814, providing for the Union of Holland and Belgium under the Prince of Orange under the specified conditions, and the same became generally binding through the quoted clauses of the Treaty of Vienna. While Holland ratified this Constitution, the Belgian Assembly of Notables rejected the religious liberty clauses, among others, on August 18, 1815, Belgium being still strictly Catholic almost without exception. King William I of the Netherlands, nevertheless, proclaimed this Constitution in force on August 24, 1815, declaring that the rejection of the religious liberty clauses was illegal because inconsistent with the Treaty in question. The ultra-Catholic party was incensed, and under the leadership of Maurice de Broglie, Bishop of Ghent, bitterly assailed this course. The Bishop declared it to be treason against religion to take the oath to support this new Constitution, and the Pope at first sustained his course. The Bishop was prosecuted in the civil courts for contumacy, however, and fled to France, and some years later the new Pope acquiesced in the constitutional provisions in question.[106] It is stated,[107] that the emancipation of the Jews in Belgium dates from the adoption of this provision. The "Correspondence, Despatches and Other Papers of Viscount Castlereagh" contains an official despatch from Lord Clancarty to Castlereagh

[104] "The Cambridge Modern History," vol. x, pp. 518-25.

[105] Boulger's "History of Belgium," London, 1909, vol. ii, p. 14; Jost's *Neuere Geschichte der Israeliten*, vol. ii, p. 115.

[106] See Boulger, *supra;* "The Cambridge Modern History," *supra.*

[107] See "The Jewish Encyclopedia," *s. v.*, "Belgium," "Netherlands," and "Ghent."

from The Hague, April 12, 1814, referring to some Dutch objections

> that the Jews should be suffered to enjoy offices in the state and seats in the legislature,[108]

but they, fortunately, proved futile.

Moreover, the Prince de Ligne, who was of a princely Belgian family and an intimate friend of Emperor Joseph II and whose *bon mot* about the Congress of Vienna has already been quoted herein, had even previously worked for Jewish emancipation in Belgium and had published a very clever essay on the Jews.[109]

The Netherlands provision was largely the work of British diplomacy, but Holland had long before this, of course, established its fame as an upholder of religious liberty. There is reason to believe that Talleyrand, the distinguished representative of France, also favored these religious liberty clauses and early in his career, on January 28, 1790, he had brought in a report in favor of emancipating the Portuguese Jews in France,[110] despite anti-Semitic opposition, and soon after, in 1791, he was among the leaders in opposing as inadequate the use of the term "toleration," to express the natural right of liberty of conscience. The results of Jewish emancipation in the Netherlands had been so good that Carl Asser, in 1827, at the request of his sister-in-law, Rahel Levin Varnhagen von

[108] Vol. ix, p. 424.

[109] See his *Mémoires et Mélanges Historiques et Littéraires*, Paris, 1827, vol. ii, pp. 28-49. As to earlier incidents in the history of the development of religious liberty in Belgium and opposition there to Emperor Joseph II's Toleration Edict, see Ruffini's "Religious Liberty," *supra*, pp. 425-28; E. Hubert, *Le Voyage de l'Empereur Joseph II dans les Pay-Bas*, Brussels, 1882, pp. 10-11, 82, 322-3, 369-70; Frank, *Das Toleranzedikt Josephs II*, 1882.

[110] Graetz, *supra*, Leipzig, 1870, vol. xi, pp. 210-11; William Milligan Sloane, "The French Revolution and Religious Reform," 1901, pp. 116, 117, 154, 186, 187, 257-63; Joseph Lémann, *L'entrée des Israélites dans la société française et les états chrêtiens*, Paris, 1886, *idem*, *La prépondérance juive*, 1889-94.

Ense, prepared an essay entitled *Précis historique sur l'état des Israélites du Royaume de Pays-Bas,* as an example for other states,[111] and a series of opinions to the same effect were furnished by the leading officials of Holland in 1842 to the Swedish Consul as an argument in favor of Jewish emancipation in his country.[112]

Despite the clear provisions in the Treaty of Vienna, in favor of the Frankfort Jews, that city continued recalcitrant, and anti-Jewish feeling became tense elsewhere too. Varnhagen von Ense, in his work *Nach dem Wiener Kongress,*[113] reports

[111] Jost, *supra,* vol. ii, p. 119. David Friedländer, *Ueber die Verbesserung der Israeliten im Königreich Pohlen,* Berlin, 1819, pointed out that Holland established a European precedent in appointing Jews to high public office. He quoted an item from the *Allgemeine Zeitung,* December 14, 1815, regarding the bestowal of knighthood on Meyer and the appointment of Asser to an important post in the Department of Justice by the King of the Netherlands, "the king making no distinction on the score of the religious faith of his subjects and considering only merit in the bestowal of honors."

[112] *Ibid.,* pp. 121-7. Contrast this with earlier Swedish conditions depicted in E. Meyer, *Die Literatur für und wider die Juden in Schweden im Jahre 1815,* in *Monatsschrift, supra,* 1907, vol. li, pp. 531-41.

[113] *Denkwürdigkeiten,* vol. vii, pp. 151-3; *Briefwechsel zwischen Varnhagen und Rahel,* Leipzig, 1875, vol. iv, p. 180, giving the former's contemporary account dated July 3, 1815; Jost, *Neuere Geschichte der Israeliten,* vol. i, p. 47; Ludwig Geiger, *Ueber den Verfasser der Posse "Unser Verkehr,"* in *Allgemeine Zeitung des Judentums,* vol. lxvii, February 13, 1903; M. L. Nathanson, *Leben des Hofraths David Amsel Meyer,* Copenhagen, 1816, p. xlii; *Unser Verkehr, ins Dänische übersetzt,* Braunschweig, October, 1815; C. A. R. . . . . d, *Kurze Bemerkungen über das Manuscript "Unser Verkehr,"* Leipzig and Cologne, 1816, p. 149; the illustrations in the text at the end of Georg Liebe, *Die Juden in der deutschen Vergangenheit,* Leipzig, 1903. I am indebted to Prof. Alexander Marx and Albert M. Friedenberg for these references. On Israel Jacobsohn see, besides the biography in "The Jewish Encyclopedia," Ludwig Geiger, *Vorträge und Versuche, supra,* pp. 226, 271-3.

how, on July 1, 1815, Prince Hardenberg prohibited, at Israel Jacobsohn's instance, the performance of an anti-Semitic play, *Die Judenschule, oder Unser Verkehr,* by Sessa, previously sanctioned by a subordinate, which course provoked wide comment and disapproval on the part of persons not unfriendly to the Jews, though his conduct had been dictated by the unseemliness of such attacks

> inasmuch as the Jews had made large sacrifices for their country during the recent war, and had nobly competed with the other inhabitants in rushing to arms, a number having become officers or acquired Iron Crosses.

After Hardenberg's departure for Paris from Berlin, the play was nevertheless produced, Varnhagen commenting on this disregard of the sacrifices evidenced by the death of Moritz Itzig and Hauschildt at the battle of Lützen. Hardly had Hardenberg and Metternich arrived in Paris than they wrote vigorous official protests in November, 1815, against Frankfort's illegal course.[114] Hardenberg fully sustained the Jewish contentions, and reproached Frankfort for having obtained opinions in favor of its claims from the legal faculties of German universities, in violation of the conclusions of the Congress and in defiance of the provision of the treaty. This had left the subject, if there was any doubt in the matter, to the determination of the Diet. Metternich had officially informed the

[114] *Aktenmässige Darstellung, supra,* appendices xxvii, xxviii, pp. 95-104. The foregoing reference by Varnhagen to Moritz Itzig was particularly telling at this time. We learn from Varnhagen's essay, *Ludwig Achim von Arnim und Moritz Itzig,* in his *Vermischte Schriften,* Leipzig, 1875, vol. ii, that the anti-Semitic von Arnim, after grossly insulting Itzig, refused to accept the latter's challenge to a duel on the ground that he was a Jew. Sometime later Itzig was killed in battle, fighting for his country. This led von Stägemann, a poet as well as an aide of Prince Hardenberg, to coin the epigram: "Itzig and Arnim both remained behind, the former dead on the battlefield of Lützen, the latter skulking behind his own stove!"

municipal authorities that Frankfort's independence had been recognized only on condition that all legally-acquired rights of every class of inhabitants be enforced. He now wrote in the same spirit, and declared that

> every arbitrary interference with the affairs of the Jewish community would be an attack on the authority of the *Bundestag*.

Soon thereafter, Friedrich von Schlegel, who was the Austrian representative at Frankfort, under date of January 30, 1816, wrote a vigorous report, attacking the municipality for violating both the pro-Jewish and pro-Catholic clauses of the Treaty of Vienna; it has come down to us and was recently published.[115] But as even Metternich's and Hardenberg's representations were practically futile and were answered evasively by Frankfort in December, 1815, Schlegel's recommendations were of course ineffective. The *Aktenmässige Darstellung,* the chief memorial ably setting forth the claims of the Frankfort Jewish community, dated January, 1816, had been apparently prepared for it by Ludwig Boerne.[116] Boerne also prepared a sum-

[115] Bleyer, *Friedrich Schlegel am Bundestag in Frankfurt*, in *Ungarische Rundschau*, vol. ii, p. 666, *et seq.*, vol. iii, pp. 331-5.

[116] Graetz, *supra*, vol. xi, p. 340, citing Gutzkow's *Boerne*, p. 94; see also Holzmann, *Ludwig Boerne*, Berlin, 1888, pp. 87-9; and Varnhagen, *Denkwürdigkeiten*, vol. vii, p. 27. *Briefe von Gentz an Pilat*, see more fully, *infra*, p. 49, quotes a letter from Gentz dated August 29, 1826 (vol. ii, p. 206), in which he says of Boerne: "I consider Boerne's essay very mediocre. Nor do I find his style to be as of old. He was thoughtful and witty as long as he criticized bad poems and poor plays and made the persecutors of the Jews ridiculous. His political effusions are petty and tiresome." Evidently Boerne's Jewish writings attracted attention in influential circles, and some of Gentz's numerous conferences with him undoubtedly related to contests for Jewish rights. Ludwig Geiger suggested that this may have been the case in *Allgemeine Zeitung des Judentums*, 1913, pp. 391-2. These conferences began long before 1821, the earliest date Geiger seems to have discovered; the first appears to have taken place September 5, 1818 (*Tagebücher*, vol. ii, p. 258), shortly before the important action by the *Bundestag*

mary of this contest, *Die Juden in der Freien Stadt Frankfurt und ihre Gegner,* but his father induced him to destroy it, after it was printed, because of its vehement tone. Boerne subsequently reprinted the bulk of it, and it is summarized in Holzmann's biography,[117] cited above.

Jacob Baruch sought Metternich's aid once more and demands, not merely on the part of Austria and Prussia in 1816, but from the four great Powers, England, Russia, Austria and Prussia, followed between August and November, 1816. Schwemer [118] reported that these four Powers addressed identic

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on the Frankfort Jewish matter and the Conference of Aix-la-Chapelle, and the entry of December 27, 1819 (*ibid.*, p. 377), specifically states that Gentz worked with Baruch on the Frankfort Jewish matter. As will be noticed presently (pp. 56-7), von Plessen reported to the *Bundestag* on the Frankfort Jewish matter, September 10, 1818, and on the 17th of that month the *Bundestag* appointed a commission to adjust the controversies (Jost, *supra*, vol. i, p. 77; Ilse, *Geschichte*, *infra*). The visit of Baruch [Boerne] of September 5, 1818, to Gentz, above referred to, was followed on September 9th (*Tagebücher*, vol. ii, p. 261) by the visits to Gentz of C. and A. M. Rothschild, Count Buol, Baron Beckheim and Count Goltz, some avowedly regarding the Frankfort Jewish matter, and by several visits by Bethmann, and by the Rothschilds again on the 12th and 14th. By September 28th (*ibid.*, p. 268) Gentz was at Aix-la-Chapelle to attend the Conference there, and before that Conference adopted the resolution of November 21, 1818, hereinafter referred to, Gentz had repeated meetings there with the Rothschilds, Dr. Buchholz of Lübeck and Dr. Lindner of Stuttgart, and on November 13, 1818 (*ibid.*, p. 283), he prepared a *mémoire* for the Frankfort Jewish community.

[117] As to Boerne's subsequent activities on behalf of Jewish emancipation, see also Ludwig Geiger's edition of Boerne's works. Berlin, 1903, vol. ix, pp. 188, 252, 472, 480.

[118] *Supra*, pp. 272-3. See a reference to one of these notes from the four Powers in *Johann Smidt, Ein Gedenkbuch*, *supra*, p. 153, in which other Jewish references may be found, pp. 20, 94, 97, 120, 176.

notes to Frankfort reiterating the prior demands of Austria and Prussia. They based their stand on the principle that, inasmuch as the future regulation of the affairs of the Jews had been reserved for the *Bundestag,* Frankfort had no power to change them to the detriment of the Jews. In a second identic note, dated November 6, 1816, the four Powers again demanded that Frankfort repeal its ordinances, unless the *Bundestag* took jurisdiction, and as matters had become most serious for the Jews, in view of increasing anti-Semitic riots, not only in Frankfort, but elsewhere in Germany, the Jews concluded to appeal to the *Bundestag.* These are probably the earliest joint international state papers on behalf of the Jews, and are doubtless preserved in archives, though not yet in print.[119]

The humane attitude of the British Government is further indicated by the following, hitherto unpublished despatch from

[119] Compare the British intervention on behalf of the Jews of Bohemia in 1744, when threatened with expulsion by Maria Theresa, which is treated at length by Dr. J. Krengel in *Monatsschrift*, 1900, vol. xliv, pp. 177 *et seq.*, 259 *et seq.;* also the treatment of the Dutch Government's intervention on the same occasion by Prof. David Kaufmann, *Gesammelte Schriften*, Frankfurt, 1910, vol. ii, pp. 328-373, *Barthold Dowe Burmania und die Vertreibung der Juden aus Böhmen und Mähren.* Venice also then intervened in their behalf, and Prof. Kaufmann notes that representations were also made by Saxony, Mayence, Brunswick, Poland, Turkey and the Pope, *ibid.*, p. 336. It is interesting to note, as arguments for such intermediation, not only the behests of humanity and justice, but that Burmania mentions the important Dutch commercial interests that would be jeopardized, and the injury occasioned through the resulting forced immigration into Holland, thus antedating the Hay Roumanian Note by nearly two centuries. One should note, too, Humboldt's and Hardenberg's similar arguments at the Congress of Vienna in favor of interstate action on behalf of the Jews. See, too, Kohler and Wolf, "Jewish Disabilities in the Balkan States," *Publications, supra,* No. 24, pp. 5-7, 94-7, 108-14.

Lord Castlereagh, British Secretary of State for Foreign Affairs, which the British archives have just yielded up:

Foreign Office, July 8, 1816,
To the Earl of Clancarty.
My Lord:

As it is probable that the situation of the Jews may become subject of consideration to the Allied Plenipotentiaries at Frankfort, I have received the commands of His Royal Highness the Prince Regent to instruct your Excellency, in that event to encourage the general adoption of a liberal system of toleration with respect to the individuals of the Jewish persuasion throughout Germany, in order that they may not be deprived of those indulgences they have lately enjoyed.

I am, etc.,

CASTLEREAGH.[120]

It was thereafter, in October, 1817, that the King of Prussia forced Hardenberg's hand, as already pointed out, by instruct-

[120] Docketed: "No. 8. To encourage a liberal system towards the Jews throughout Germany." I am indebted to Albert M. Hyamson, of London, for his kindness in sending a transcript of this document to The Jewish Publication Society of America. Unfortunately, divided counsels seem to have weakened the more liberal British influence, for the "Correspondence, Despatches and Other Papers of Viscount Castlereagh," vol. xi, pp. 414-5, contains a despatch from Count Münster, the Hanoverian, to Castlereagh, dated March 23, 1818, reading as follows: "I have the honor to return herewith, with many thanks, Mr. Lamb's [Frederick Lamb, later Viscount Melbourne] despatches relating to the conduct of the Austrian Cabinet concerning the .... claims of the Jews in Frankfort. As to Mr. Lamb's Note respecting the Jews, I should be wanting in sincerity, if I did not avow that I regret its having been delivered, for, in my humble opinion, the principle on which the Note is founded cannot be maintained, and I cannot convince myself that the mere circumstance of the matter having been mentioned in the Act of the Congress of Vienna could warrant the interference of Foreign Powers, after the matter has been actually brought before the Germanic Diet. This is, as Martens informs me, in a letter dated the 8th March, the impression produced at Frankfort. Of course, a civil answer has been given to the Note."

ing him on behalf of Prussia not to support the Jewish cause as against Frankfort at the Diet,[121] and a subsequent protest from England, in February, 1818,[122] was also futile. The *Bundestag* appointed a commission on the subject in September, 1818,[123] but it was six years before the matter was concluded, and then only by an unsatisfactory compromise. The details of these incidents are outside the scope of the present paper. The Rothschilds became potent factors in enlisting Metternich's aid on behalf of the Jews, and von Gentz continued as their active advocate.[124]

The unsuccessful efforts of the Jews of Lübeck to preserve their rights, including those of residence, are fully narrated in Dr. Carlebach's work. Previously, on August 8, 1816, the Austrian *Beobachter,* a semi-official government newspaper, had vigorously attacked Lübeck for having expelled the Jews, without waiting for the action on the Jewish question by the Diet, saying:

> How can the future *Bundestag* deal with the amelioration of the Jews, when individual states thwart its action by the most

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[121] Schwemer, *supra,* vol. i, p. 280.

[122] *Ibid.,* p. 281.

[123] *Ibid.,* p. 281; vol. ii, pp. 21, 148, 152, 163. For a detailed account of the proceedings in the *Bundestag* see Ilse, *Geschichte der deutschen Bundesversammlung,* Marburg, 1861, vol. i, pp. 308-406, and Jost, *supra,* vol. i, pp. 23 *et seq.,* 68 *et seq.*

[124] Schwemer, *supra;* Alf. Stern, *Geschichte Europas seit den Verträgen von 1815,* Berlin, 1894, vol. i, pp. 318-20; Bender, *Zustand der Israeliten zu Frankfurt; Festschrift zur Jahrhundertfeier der Realschule der israelitschen Gemeinde (Philanthropin) zu Frankfurt-am-Main 1804-1904;* Gentz, *Tagebücher; Briefwechsel zwischen Varnhagen von Ense und Oelsner, nebst Briefen von Rahel,* Stuttgart, 1865, three vols.; Jost, *supra;* Graetz, *supra;* Ludwig Geiger, *Friedrich von Gentz und die Juden,* in *Allgemeine Zeitung des Judentums,* 1910, pp. 414-18; *ibid.,* 1913, pp. 391-2; and his *Goethe, Bettina und die Frankfurter Juden,* in *ibid.,* 1903, vol. lxvii, pp. 474-7; as well as his *Goethe und die Juden,* in *Vorträge und Versuche, supra,* pp. 215-80.

arbitrary and cruel determinations? This incident involves a lack of regard, not merely for the Diet, which is soon to meet, but also reflects upon the chief courts of Germany, whose principles on the question have been enunciated often and loudly enough, and while passionate excesses can explain, they cannot justify, such a course.[125]

Gabriel Riesser in the course of his valuable and effective efforts for Jewish emancipation in Germany made good use of arguments based on this provision of the Treaty of Vienna, for instance, in his work, *Ueber die Stellung der Bekenner des mosaischen Glaubens in Deutschland*[126] which also contains his construction of Article XVI.

[125] Graetz, *supra*, vol. xi, pp. 346-7. *Sulamith* vol. iv, pt. 1, pp. 323-4. The collection *Briefe von Gentz an Pilat*, the editor of the *Beobachter* and long private secretary of Metternich, edited by Karl Mendelssohn-Bartholdy, Leipzig, 1868, vol. ii, p. 432, contains a letter, undated, from Gentz to Pilat, regarding this incident. Gentz wrote: "Do you recall the impudent opposition of the Lübeckers and Frankforters in the Jewish matter, the offensive answers they rendered to the courteous notes of Austria and Prussia? Do you believe that people who treated the *Beobachter*, the semi-official journal of our Cabinet, as they did, threatening it with dire consequences, etc., have neglected to take sides this good while? That, relying on the opinion of the mob in North Germany, upon their countless protectors and associates, on the constitution and its collapse, upon a mass of positive and negative measures that I don't care to enumerate, they are not fully resolved not to pay heed to representations, but on the contrary, will fight for their self-imagined rights to the last ditch (even if all public order collapses as a result)? Be assured that the Government, in whatever course it may attempt, is certain to compromise itself in the deepest way without helping you or the cause any!" And among those arousing public opinion in England against the brutal persecution of Lübeck was the Christian missionary periodical, *The Jewish Expositor*, 1819, pp. 72-4.

[126] Second edition, Altona, 1831, pp. 34-9. In the British Parliament in 1833 Robert Grant made use of this provision and Prince Hardenberg's utterance; see "Debates in the House of Commons," on Jewish disabilities, London, 1834.

II.

The Congress of Aix-La-Chapelle.

The Great Powers were represented at the Conference of Aix-la-Chapelle, which met in the autumn of 1818, for the particular purpose of determining whether the allied troops should now be withdrawn from France, and to decide regarding the payment of France's indemnity to the allies. Interesting details regarding this conference are to be found in W. Alison Phillips' "The Confederation of Europe," including a slight, purely incidental, reference to the discussion of the subject of Jewish emancipation. The conference took place at a time of violent reaction from liberal French Revolutionary ideas, and in the midst of the unsuccessful efforts to induce Frankfort and the Hanseatic towns to carry out the terms of the Treaty of Vienna. Various Jewish communities and their friends turned to this Conference for relief. This occasion was also chosen by Lewis Way, an English clergyman who was deeply interested in the work of societies seeking to convert the Jews to Christianity, and the real founder of the reorganized London Society for Promoting Christianity Among the Jews, to advance their emancipation in Europe. He prepared in their behalf a petition, delivered October 5, 1818, addressed to Emperor Alexander I of Russia and the allied rulers, together with an accompanying memorial, which interested the Czar so greatly, during this mystical-religious period of his life, that he referred the memorial to the assembled conference of ministers, through Nesselrode, his chancellor. Action was had thereon, which is set forth in the *protocol* of November 21, 1818, signed by all the plenipotentiaries, Metternich, Hardenberg, Richelieu, Bernstorff, Castlereagh, Nesselrode, Wellington and Capodistrias, as follows:

Without entering into the merits of the views entertained by the author of the project, the Conference recognizes the justice of his general tendency, and takes cognizance of the fact that the plenipotentiaries of Austria and Prussia [Metternich and Harden-

berg] have declared themselves ready to furnish all possible information concerning the Jewish situation in those monarchies, in order to clarify a problem which must claim the attention equally of the statesman and the humanitarian.

Way caused his petition, the memorial, and the report thereon, to be printed in French in Paris, 1819, as a pamphlet of 78 pages, entitled, *Mémoires sur l'état des Israélites, dédiés et présentés à leur majestés imperiales et royales, réunies au Congrès d'Aix-la-Chapelle.*[127] It follows very largely the reasoning of Dohm's famous work on Jewish emancipation and, in fact, embodies a new plea in outline by Dohm, dated November 1, 1818, prepared at Way's instance at this time. Way sought a fuller treatise from Dohm, but did not afford the latter adequate time for this purpose, in view of the former's plan to submit it at the Aix-la-Chapelle Conference.[128] The provision of the Treaty of Vienna on Jewish emancipation was quoted by Way, and he emphasized the failure to enforce the provision according to its spirit, particularly in Germany, Poland, Austria and Italy, and urged the Czar to set the example

which will produce its effect upon the whole world.[129]

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[127] Paris, 1819. A copy of the booklet, now rare, is to be found in the New York Public Library and another in the Library of The Jewish Theological Seminary of America.

[128] Shortly before this Dohm published a little-known work entitled *Ein Wort zur Beherzigung an meine israelitische und christlich Glaubensbrüder*, Breslau, 1816, described in Fürst, *Bibliotheca Judaica*, but I have not been able to locate a copy. An interesting account of Dohm's pro-Jewish services may be found in F. Reuss, *Christian Wilhelm Dohms "Ueber die bürgerliche Verbesserung der Juden."*

[129] A detailed summary of the booklet was printed in Frankel's *Monatsschrift*, 1869, vol. xviii, pp. 234 *et seq.*, 334 *et seq.*, 477 *et seq.*, 551 *et seq.*, and a sketch of Way is to be found in "The Jewish Encyclopedia." The *Monatsschrift* quotes, pp. 235-6, from Gronau's life of Dohm, Lemgo, 1824, 707 pp., as to his relations to the incident, and mentions the fact that Treschow, secretary of the

It is undeniable that this conference at the instance of Russia thus was induced affirmatively to urge international Jewish emancipation. Certainly not until latterly have we been regarding Russia as taking the lead in work of this nature.

Dr. Buchholz again appealed on this occasion for relief for the Lübeck Jews.[130] Michel Berr, the distinguished French-Jewish champion of emancipation, also published a stirring appeal on behalf of the Jews of Germany addressed to the Congress [131] and invoked aid on the subject from Johann von Müller. The Jews of Italy also contemplated petitioning for relief against their own persecutions.[132] The Rothschilds made personal appeals, apparently.

Way's memorial [133] is so badly edited that it has often been misdescribed, for instance, by Martens, who refers to it as a

London society, sent Dohm a detailed account of the Aix-la-Chapelle incident, apparently unpublished, and also, p. 564, an explicit denial by Way that he was actuated in the matter by any conversionist motives. See also *The Jewish Expositor*, 1819, p. 280; and Dubnow, "History of the Jews in Russia and Poland," Philadelphia, 1916, vol. i, pp. 397-9. A detailed sketch of Lewis Way is to be found in J. F. A. de le Roi, *Die evangelische Christenheit und die Juden*, Berlin, 1892, 2d edition, 1899, entitled *Geschichte der evangelischen Juden-Mission*, particularly vol. iii, pp. 19-37; see also, *Saat auf Hoffnung*, vol. xiii, p. 200 *et seq.;* vol. xiv, p. 126 *et seq.*, the former being an article by Franz Delitzsch, based largely on information procured from Way's daughter, Miss Drusilla Way, supplemented by letters from her in vol. xiv, and in turn translated and summarized in *The Everlasting Nation*, vol. i, pp. 145-151 (1889). Sir John Baring, president of the London Society, contributed one of several necrologies of him, published in the *Jewish Intelligencer*, vol. vi, pp. 75-7, 152-3 (1840). See also Ralph Harden, "Jane Parmenter's Will," Dublin, 1882; and Appendix B, *infra*, p. 84 *et seq.*

[130] Carlebach, *supra*, p. 96.

[131] Graetz, *supra*, p. 355, citing *Journal de France*, October 20, 1818, and *Sulamith*, vol. v, pt. 2, p. 275.

[132] Graetz, *supra.*

[133] Though the full *protocol* of the Aix-la-Chapelle Conference has not yet been published, Way's memorial is referred to in such

memorial by Dohm, *un ministre du Saint Evangile* (*sic*). Dohm's part should be carefully segregated from Way's, and the parts presented at the Conference to the Czar from the entire work, as printed the next year. The misleading title-page, referring to its submission to all the rulers at the Aix-la-Chapelle Congress, adds to the confusion. The work consists of "Principles"[134] to serve as a basis of a memoir, which Way seems to have presented to Czar Alexander I at Aix-la-Chapelle on October 5, 1818; "Remarks" on the subject (including a separate memorandum by Dohm),[135] dated Aix-la-Chapelle, November 12, 1818, also submitted at the Conference, and the more detailed *Mémoire sur L'État des Juifs, Addressé à S. M. l'Empereur de Toutes les Russies,*[136] signed by Lewis Way, dated Brussels, September 29, 1818, and described as presented to the Czar at Aix, October 5, 1818. This, in turn, was followed by Way's full *Plan d'une Mémoire,* dated Aix, September 30, (October 12) 1818,[137] and the extract from the *protocol* of the Conference, November 21, 1818, on the subject.[138] The general approval by the Conference of the sentiments expressed, makes it desirable to reprint here, in translated form, Way's "Principles," and Dohm's "Remarks."

PRINCIPLES To serve as a basis for a memorial on the actual state of the Israelites, and on the benefits that the Christians ought to grant to them.

PRESENTED To His Majesty, the Emperor of all the Russias at Aix-la-Chapelle, October 5, 1818.

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general historical works as Alfred Stern, *Geschichte Europas seit den Verträgen von 1815*, pp. 475, 476; "Memoirs of Prince Metternich," edited by his son, New York, 1881, vol. iii, p. 209, *infra*, p. 61; F. F. de Martens' important work, *Recueil des traités et conventions conclûs par la Russie*, vol. vii, p. 298.

[134] Pp. 5-9.

[135] Pp. 10-13; quoted *infra*, p. 56.

[136] Pp. 16-26.

[137] Pp. 27-78.

[138] P. 79; quoted *supra*, pp. 50, 51.

1. All civil and social rights ought to be accorded to the Israelites without any difference from those enjoyed by the Christians.

2. The governments ought to induce their priests, and especially the bishops, to preach to their fullest ability both by their example and their speech the widest charity toward the children of Israel.

3. The governments ought to encourage the establishment of arts and trades among the Israelites and, above all, to direct them toward agriculture; to reward those who make progress and to take into their employ those who are capable of usefully filling positions.

4. The governments ought to make regulations to enable the Jewish youth to participate in general education, to the same extent as the Christians, in the same colleges, gymnasiums, universities, etc.

5. To accomplish a project so conducive to the well-being of the Israelites, it is necessary to establish a central committee composed of enlightened Christian and Jewish members at Frankfort, Berlin and Warsaw, or in some other place.

The objects with which this committee would occupy itself would be:

1. To establish general correspondence regarding the Israelites in all parts of the world.

2. To encourage the publication of such works as will aim to put an end to prejudice, to uproot hatred, and to maintain a mutual spirit of good-will and harmony.

3. To examine different writings opposing the admission of Israelites to civil rights, which may appear, and to refute them.

4. Finally, this Committee would undertake to ascertain the best means of reforming and perfecting the civil, moral and religious state of the children of Israel, to spread and promote mutual education among them and the taste for the mechanical and liberal arts.

Principles regarding the duties of the Israelites, if the sovereigns in their wisdom will consent to grant the fundamental ideas proposed:

1. The Israelites, in accepting civil rights in the various governments of Europe, ought to comply with the obligations which these changes impose on them.

2. They ought to contribute, as far as they are able, to the improvement of their habits and to give up customs (non-obligatory

or non-essential) which tend to isolate them in their secular relations from Christians.

3. They ought to renounce those of their laws which are opposed to the laws of the country they inhabit, so that these will not be a hindrance to their emancipation and finally they ought to assume all obligations common to other citizens.

4. The wealthy Israelites ought to make some pecuniary sacrifice in order to improve and perfect the education of their indigent coreligionists.

Primary schools should be established, where needed, in which the Jewish children could imbibe moral precepts and the elements of useful knowledge, so that each one could thereafter perfect himself in public schools, colleges, gymnasiums, etc., [according to article 4, *supra*, p. 54].

REMARKS.

1. The sacrifices made by the wealthy Jews and the efforts of the young Israelites to acquire an education would be paralyzed, if their merits and talents would not suffice to admit them to offices and enable them to follow arts and trades, or if the enjoyment of civil rights is not solemnly guaranteed by law.

2. As to the particular regulations of each State, the diet at Frankfort, at Warsaw, or other competent authorities could undertake to draw them up in conjunction with the respective princes or sovereigns, according to the bases and fundamental principles laid down by the principal Powers meeting together in Congress.

3. The rehabilitation of the Israelites ought not to be hurtful to society in general; on the contrary, unexpected advantages as much for the government as for the people might result from it.

4. If the general and immediate execution of such a regulation as to the admission to employments, and their complete fulfilment, would involve inconveniences, the questionable points could be postponed to a future time for execution.

5. Those principles which pertain only to the moral and social state of the Israelites will not aim at destroying their nationality and will leave them full power freely to follow their religion.

The principles set forth above were not drawn up solely in accordance with the convictions of the author of the memorial; they expressed, in several respects, the views of writers distinguished for their publications on this subject, among them Mgr. Grégoire, the late bishop of Blois; M. Bail, the former inspector,

author of a work entitled "The Jews of the Nineteenth Century"; M. Dohm, at one time secretary of foreign affairs to H. M. the King of Prussia.

The following, confirmed by forty years of experience, are the opinions of the last mentioned on the condition and improvement of the Jews as expressed in his own words under date of November 1, 1818:

> The question [the political reform of the Jews] appears to me to be entirely covered by the theory of correct political principles. It has been demonstrated in an incontestable manner, as much by my work as by many others that have followed it:
>
> 1. That the oppression under which the Jews have lived in almost all countries since the extinction of their own state is in contradiction to humanity, to the Christian religion and above all to the principles of political wisdom;
>
> 2. That the moral and political degradation of which the Jews are accused, is not the result of faults peculiar to this nation, but of the state of opposition, abjectness and misunderstanding in which they have been placed for many centuries;
>
> 3. That it is a necessary and absolute consequence from these facts that the Jewish nation cannot be relieved of this depravity in any other way than by the absolute cessation of the causes which produced it;
>
> 4. That the amelioration of the Jews will necessarily follow such manner of treatment, but this change can only be brought about slowly; the effect of centuries cannot be destroyed in a few years.
>
> DOHM.

The difference in the attitude of Dohm, who favored gradual emancipation, and the French statesmen, Prince Hardenberg and Humboldt, who insisted on immediate and complete emancipation, is dwelt upon elsewhere (pp. 3, 11, 21, 31, 72-5, 82, 83) in this paper.

As hereinbefore intimated, there was a close connection between the Frankfort Jewish grievance then pending before the *Bundestag,* and the action taken on Way's petition at Aix-la-Chapelle. While Way's memorial may have been the occasion for making some sort of a pronunciamento on the Jewish question at this Conference, it was not the sole cause for such action. This is clearly indicated by the large number of different representations made there on behalf of the Jews, and also by a letter from von Gentz, who became secretary of the Aix-la-Chapelle Conference, written from Frankfort, September 11, 1818, when on his way thither. In this he said:[139]

> Yesterday action was had [at the Diet] on the Frankfort Jewish matter. Plessen rendered a limited report which, on the

[139] *Briefe von Gentz an Pilat, supra,* vol. i, p. 316; see *supra,* p. 45.

whole, was not favorable to the Jews, whereupon it was decided to appoint a Commission of five [Austria, Prussia, Hanover, Württemberg and Mecklenburg] to endeavor to adjust the controversies between the two factions. The affair is as good as lost for the Jews. It has been badly handled. Various envoys were decidely of the opinion that, first of all, for the honor of the Congress [of Vienna] and Prince Metternich, the status of 1813 should be restored, and only thereafter one should concern oneself with legislation and the future. This very praiseworthy view, doubtless, might have served as a method of cutting the Gordian knot, and, perhaps, it might have been adopted, if—if all kinds of "ifs"—had not prevented. Certain it is that those who spoke most strongly against me in this line did not open their mouths at the session itself; that Berkheim alone insisted upon it, with direct reference to the well-known note of Prince Metternich, until at length Wangenheim made every one tremble by a ferocious address and cut off all opposition.

Again on August 15, 1819, Gentz referred to their having been occupied very much the preceding day at the Carlsbad Conference, of which he was also the Secretary, with the Frankfort Jewish matter, and that it was a very bad symptom,[140] and referred to anti-Semitic riots once more on August 20, 1819 during that Conference.[141]

In 1822 Gentz referred to receiving a letter from the Jews of Lübeck,[142] and it appears that their petition to the *Bundestag*

[140] *Ibid.*, p. 405.

[141] *Ibid.*, p. 408. The *protocol* of the Carlsbad Conference was published in Martens, *Nouveau Recueil Général, tome iv, supplemens*, 1846, pp. 8-177, and it appears therefrom that there was no official session the day before Gentz wrote his letter of the 15th, so it would seem that the subject was considered only semi-officially. This is confirmed by Gentz's diary which shows that on Saturday, August 14, 1819, Gentz had numerous conferences with Plessen, who was particularly active in the Frankfort Jewish matter, and with Bernstorff, Berstett, etc., *ibid.*, p. 346. During the preceding month he had several conferences with the elder and the younger Lämel, Herz, etc., *ibid.*, pp. 338, 340, 342. See *ibid.*, pp. 349, 353, 355, 367, 371, 373, 374, 377, 378, 379, 395, 397, 398, 399, 400.

[142] *Ibid.*, p. 355.

was never even acted upon.[143] At the thirty-third session of the Vienna Ministerial Conference of 1820 a resolution by Prince Metternich, referring the Jewish question to the *Bundestag* was adopted. It provided that the various statutes concerning the civil improvement of the Jews in the different states of the German Confederation should be collected, and made the basis of a new treatment of the subject by a commission to be appointed for the purpose by the *Bundestag*. Metternich's alternative suggestion for immediate action was opposed by some present. The Commission was in fact appointed but never reported. Jacob Oppenheimer and Bresselau, of Hamburg, had appeared to urge action in favor of the Jews.[144] Buchholz appeared before the Diet also on behalf of the Jewish communities in question.[145]

Moreover, there was a further pressing reason for action on Jewish disabilities at the Aix-la-Chapelle Conference in 1818. A restrictive measure, which Napoleon had enacted in 1808,—to continue in force for ten years only, on his assumption that such a ten years' term was necessary to enable the Jews to conform to the conclusions of his *Sanhedrin* to become good citizens of the country of their domicile, and to cease to be an alien nation,—expired March 17, 1818, by its own limitation. In France, by an almost unanimous vote, it was resolved to let this restrictive act thus terminate.[146] In several German territories which were surrendered by France by the Treaty of Vienna to German potentates, on the other hand, these oppressive laws, in whole or in part, were expressly continued in force, by new edicts in 1818,[147] so that such new legislative *fiats,*

[143] Ilse, *supra*, p. 406.

[144] Ilse, *ibid.;* Jost, *supra*, vol. i, p. 406; Haarbleicher, *Aus der Geschichte der deutsch-isr. Gemeinde in Hamburg*, 2d edition, 1886, pp. 141, 142; see p. 122.

[145] *Ibid.*

[146] Graetz, *supra*, vol. xi, pp. 303, 351-2; Jost, *supra*, pp. 108-9.

[147] *Ibid.*

contrary to the spirit of the Treaty of Vienna, aroused wide comment and demanded further remedial action.

Light is thrown on the reference in the *protocol* of the Conference at Aix-la-Chapelle to the readiness of Austria and Prussia (Metternich and Hardenberg) " to furnish all possible information concerning the matter " by the discovery among Metternich's papers, published in 1881, long after his death, of a report, " On the Question of the Jews," indicating that it was prepared in connection with the consideration of Way's memorial, and that the Jews of Vienna simultaneously presented a similar petition.[148]

[148] Probably the following entries from von Gentz's diary throw light on this Vienna memorial, and related ones, *Tagebücher.* (Vol. ii, p. 178.) November 6, 1817: Worked on an important memorial on behalf of the Jews of Austria. November 9, ditto and November 10: finished same; November 19: Visit from Moritz Bethmann of Frankfort (who held some of the bonds given by the Frankfort Jews to Archduke Karl von Dalberg, in payment for their grant of civil rights. Von Bethmann was closely in touch also with von Gentz during this period, and Russian Consul-General at Frankfort, Alexander I having sojourned with him in 1813 during a visit to that city. His firm was one of the most prominent banking-houses of the day, and for years, too, von Wessenberg had been intimate with him. He doubtless purchased some of these bonds out of sympathy with the Jewish cause, and aided in organizing the *Philanthropin* Jewish school of Frankfort, avowedly in order to arouse interest in such an undertaking among the Christians of the city. See his biography in *Allgemeine Deutsche Biographie*, vol. ii, pp. 574-6. Immediately after the Congress of Vienna, he was active in the efforts to induce Metternich and Hardenberg to take up strong ground in the Frankfort Jewish matter, and, in this connection, possibly exerted his influence with other Powers, in addition, Schwemer, *supra*, vol. i, p. 399.) January 10, 1819, Gentz had conferences with Joelson and Lämel, and on the 13th Schlegel and Buchholz dined with him. On December 10, 1819, Salomon and Karl Rothschild from Frankfort called on him, and the next evening Baruch. December 13, Senator Smidt of Bremen conferred with him and on December 27, he

It is probable that Prince Hardenberg had a similar memorial regarding the Jews in Prussia prepared, but no trace of it has been found.[149] Alfred Stern's *Geschichte Europas seit den Verträgen von 1815* [150] describes the incident of the Conference

made an entry of work on the Frankfort Jewish matter with Baruch. March 14, 1821, he reported that Rothschild was with him, much excited, but he succeeded in reassuring him. (P. 397.) June 2: Visit from Buchholz. October 21 contained an entry of a conference with Baruch about the Frankfort Israelites. (P. 470.) On January 5, 1822, he dined at Eskeles' house with Hardenberg and others, and again on March 16, when Rothschild and Hardenberg were present. (Vol. iii, p. 2.) "May 1, 1822: Rothschild and Baruch excite me with an account of the deplorable Frankfort Jewish matter." On the 9th he prepared despatches on the subject, and on the 26th instructions for Count Buol. On May 31, Rothschild and Baruch conferred with him at breakfast, regarding the Frankfort Jewish matter. April 18, 1824, he read the latest Frankfort-Jewish reports, and the next day Rothschild conferred with him. On September 2, 1824, he received letters from Munich regarding the unexpectedly satisfactory settlement of the Frankfort Jewish matter, and five days later read a *protocol* of the Diet session on the subject. On November 23, 1825, he conferred with Baron Rothschild regarding Roman Jewish affairs, and again, December 2. (Vol. iv, pp. 117, 120.) Gentz wrote a brief history of the Rothschild family, which was published in 1826. See *Schriften von Gentz*, edited by Schlesier, vol. v, pp. 113-23, and his *Briefwechsel mit Müller*, vol. i, pp. 267-8. He wrote a long series of letters for the information of the Rothschilds during a term of years, October, 1828–December, 1831, on current political events, with Metternich's approval, receiving political advices from them also from time to time. *Aus dem Nachlass Friedrichs von Gentz*, Vienna, 1867, vol. i, pp. 9-10, 124-241, and note.

[149] Wolf, *Geschichte der Juden in Wien*, pp. 109-11, states that Metternich had prepared a memorandum concerning the anti-Semitic "Hep-Hep" agitation of 1819 for the Emperor Francis I. It could not be found in the secret archives and probably was a later document than that drawn up for the Conference of Aix-la-Chapelle.

[150] Vol. i, pp. 475-6.

at Aix-la-Chapelle in the following passage which is supplemented by bibliographical notes:

An evangelical clergyman, Dr. Way, through the Russian envoys, brought a memorial to the attention of the Congress of Aix-la-Chapelle, in which he besought the Powers to grant to the Jews full equality of rights and to facilitate their practice of trades and agriculture, while the Jews were to abandon unethical practices and usury . . . . A laudatory reference was made in the *protocol* . . . . This sounded very noble, without having further consequences.

Unfortunately, the Jews of Austria did not experience in practice as liberal a system of Jewish rights as was outlined in the Metternich report, although there was a tendency on Metternich's part to reach such a condition, and his approval of the toleration edict of Joseph II is interesting, as it was still opposed in many sections of Austria. The report reads:

ON THE QUESTION OF THE JEWS.*

307. The Edict of the Emperor Joseph is in full force in all the German States of Austria. The Hungarian Constitution is opposed to one part of its execution, but this fact is independent of the wishes of the King.

Schools for Jewish girls exist everywhere. Where the community is not large, the children of both sexes frequent the Christian schools; every Jew is at liberty to educate his children in Christian educational establishments.

Jews can, under certain restrictions, and in countries where the constitutions do not directly oppose it, become landed proprietors.

* The occasion of this judgment seems to have been the appearance of a "Mémoire sur l'état des Israélites, par un Ministre du Saint Evangile," which was dedicated and presented to the monarchs assembled at the Congress of Aix-la-Chapelle. Besides which, the representatives of the Jews in Vienna presented a petition to their Majesties, imploring an inquiry to be made into the state of the law in respect to the civic rights of members of the Israelitish faith.—ED.[151]

[151] "Memoirs of Prince Metternich," New York, 1881, vol. iii, pp. 209-10, edited by his son, Prince Richard Metternich, and translated by Mrs. Alexander Napier.

They are subject to the military conscription, like the Christians. All grades of the service are open to them: there are staff-officers at this day who are Jews.

Distinctions of every kind—except those which require the formula of a Christian oath, such as the orders of knighthood—are given to them. Men remarkable for their civil virtues and honourable estate have acquired titles of nobility, which place them in the same rank as Christian noblemen.

They may adopt any profession they like; if there are very few in the Civil Service, it is because they do not choose that career, or, rather, that those who do aspire to it enter the bosom of the Church.

Nevertheless, in many places it has been necessary to take measures of precaution in carrying out the edict of the Emperor Joseph, even after it has been in force many years, because of the abuse by Jews of the concessions granted them. Devoted to business, from father to son, assisting each other with large capitals, they prefer to gain by either lawful or unlawful trade what would cost both care and trouble to attain by other means.

The laws of the Emperor Joseph have, however, been of real benefit; the most satisfactory example that could be cited in support of this truth is the difference between the Jews of Galicia and those of ancient Poland.

One of the great difficulties in devising any measure relating to the position of the Jews arises from their number. Any hasty reform bears heavily on an immense mass of men whom nothing can persuade to renounce old customs or adopt new ones.

APPENDIX A.

Wilhelm von Humboldt on the Principles of Jewish Emancipatory Legislation and His Relations to the Jews.

I.

WILHELM von HUMBOLDT'S RELATIONS TO THE JEWS.

It is obvious that the connection between the following remarkable paper, prepared by Wilhelm von Humboldt in 1809, and the action on Jewish rights at the Congress of Vienna was not remote. Humboldt was, at the period of the Congress, probably Prince Hardenberg's closest, most valued and important adviser, to say nothing of his own high standing politically, and there seems little doubt that the emphasis Humboldt placed in 1809 upon Jewish emancipation uniformly throughout Germany, is reflected in Prussia's course at the Congress, and in many of the arguments in the above-quoted state-papers of Prince Hardenberg. In the light of Humboldt's report these have a familiar ring to them. His scheme of emancipation was even much more thorough and complete than Dohm's, and particularly striking and profound are his arguments in favor of complete and immediate, as opposed to a gradual, emancipation. (See, especially, *infra*, pp. 72-5, 82, 83.)

On the other hand, Humboldt's plans for promoting the Germanization of the then largely alien Jews of his fatherland—and thus abolishing the extra-legal bases of anti-Semitic prejudice—are still of importance to-day. It is obvious that such a paper reveals a thorough acquaintanceship with the Jews of his day, then largely governed in their civil, as well as religious, life by their own special laws, and is another striking proof of the axiom that knowledge of the facts is the strongest enemy of anti-Semitic prejudice. One cannot conclude that he was as familiar with Judaism as with Jews, however. To supplement this paper, therefore, a concise, even though necessarily incomplete, account of Wilhelm von Humboldt's relations to the Jews, especially before 1815, may be of service. Strangely enough, no comprehensive treatment of this subject has apparently as yet appeared, nor is there any article devoted to him in "The Jewish Encyclopedia," unlike Buchholz,

Dohm, Lessing, Mirabeau, Zola, etc., although a Jewish essayist, Dr. Adolph Kohut, selected Wilhelm's brother Alexander (for this purpose less important) as the subject of a booklet, *Alexander von Humboldt und das Judenthum.*[1] This is probably due to the fact that the most important incidents along these lines in Wilhelm von Humboldt's career came to light only within the past few decades, though there is now ample proof at hand to justify his own characterization, in his private letter to his wife of June 4, 1815, cited above, p. 33, that "Alexander and I were regarded, even when we were children, as bulwarks of Judaism." The statement as to the comparative Jewish neglect of Wilhelm von Humboldt's memory should be qualified, however, by a reference to some articles concerning him published during the past few years by Ludwig Geiger,[2] but these are, in effect, merely excerpts of literary interest from certain recently published volumes of the correspondence between Humboldt and his wife; and the fourth, the most important of that series, seems to have been overlooked.

Born in 1767, two years before his more famous brother Alexander, Wilhelm von Humboldt's fame has until recently been regarded as probably resting more upon his work as "philologist and man of letters," than as statesman, in which latter capacity he was prominent from about 1802 on, when he became Prussian Ambassador at Rome, until he retired from political life in 1819 on account of the reactionary policy of the Prussian government, to which even his leader, Prince Hardenberg, then yielded. In the meantime he was one of Prussia's representatives at the Congresses of Prague, Vienna, and Paris, was Ambassador at Vienna, Paris and London, served as Minister of Public Instruction and Councillor of State, and was looked upon by many for some time as the probable successor of Prince Hardenberg as Prussian Chancellor. He was a leader in the war against Napoleon, and a consistent exponent of German union and of liberal government. With his literary career, important as it was, we have here no concern.

The private teachers of the Humboldt brothers belonged to the Lessing-Mendelssohn-Nicolai circles, and at a very early day interested their pupils in their liberal and intellectual activities, and brought them into close touch with prominent Jews of the time. Henrietta Herz, in her reminiscences[3] refers to their teacher

[1] Leipzig, 1871.

[2] *Allgemeine Zeitung des Judentums,* vol. lxix, p. 620; *ibid.,* vol. lxxvi, pp. 69, 593; *ibid.,* vol. lxxvii p. 228.

[3] Landsberg, *supra,* p. 152.

Kunth [4] as introducing the two brothers to her husband, or more accurately, into her own brilliant *salon*, when they were only about sixteen or seventeen, and Wilhelm, as well as Alexander, soon became a devoted admirer of the beautiful and intellectual Henrietta, as well as of her scholarly, much older husband, Markus Herz, who was for some time the most esteemed physician of Berlin, and whose scientific lectures the Humboldts, together with young Prussian princes, attended. The talented young brothers joined her "reading circle," to which Dohm, among other brilliant intellects of the day, belonged, and which Moses Mendelssohn himself occasionally attended; Wilhelm also heard lectures under the famous Dohm in 1785. Both of the Humboldts induced Henrietta Herz to teach them to write Judæo-German, and a number of letters written to the fair teacher by her devoted admirer, Wilhelm von Humboldt, many of them in Judæo-German characters and all showing the nobility and purity of their relations, were collected and published from Varnhagen's literary remains after his death.[5]

Henrietta Herz also taught Humboldt Italian, and there are hundreds of references to her in his correspondence with his wife, one, mentioning his old-time devotion, being given, *infra*, p. 69. About 1787, Henrietta Herz organized the so-called *Tugendbund*, an association of fine young spirits, whose purpose was social and intellectual culture, the promotion of love of one's fellow men, and the development of a deeper knowledge of humanity, which young Wilhelm von Humboldt promptly joined. To this also belonged Dorothea Mendelssohn, the brilliant daughter of the great philosopher, who became Dorothea Veit and thereafter the wife of Wilhelm von Schlegel, and her sister, Henrietta Mendelssohn, as well as the intellectual Caroline von Dacheröden, who first became acquainted with her future husband, Wilhelm von Humboldt, through this organization.[6]

[4] See Friedrich and Paul Goldschmidt, *Das Leben Staatrath Kunths*, 2d edition, Berlin, 1888.

[5] *Aus dem Nachlass Varnhagens von Ense.* *Briefe von Chamisso, supra*, vol. i, pp. 1-134, containing Humboldt's letters to Henrietta Herz. Some were reprinted by Landsberg, *supra*, pp. 161-208.

[6] Her correspondence with Rahel, among others, was recently published under the title, *Briefwechsel zwischen Karoline von Humboldt, Rahel und Varnhagen*, edited by A. Leitzmann (1896), and contains much of Jewish interest. The first volume of *Wilhelm und Karoline von Humboldt in ihren Briefen*, edited by Anna von Sydow, one of their descendants, Berlin, 1906, contains a mass of contemporary letters dealing with this *Tugendbund*, and the editor says of it (pp. xvii-xviii): "The members unreservedly laid bare to one another their innermost thoughts and analyzed their finest sensibilities, often long before they met face to face. The familiar thou (*du*) united all the members; a secret code of communication was invented;

It is obvious that all the members of this group were intimates, and that such close ties of friendship were bound to last through life.

Rudolph Haym, the distinguished publicist, edited a collection of Humboldt letters [7] chiefly dealing with educational matters, but the work contains, in an appendix, letters on philosophical subjects, written by Wilhelm von Humboldt to a Jewish intimate, his college friend Beer, who had been a lodger at the Herz household in Berlin, and became subsequently a physician at Glogau. A number of these letters to Beer were also written in Judæo-German characters, and their author says [8] that he wrote a particular letter in German, because he was pressed for time, but this would not make any difference to his correspondent. The letters contain numerous references to the Herz family, to David Friedländer and his family, and to Moses Mendelssohn and his daughter Dorothea, and Humboldt wrote to Beer in December, 1787, from Frankfort, where he was attending the University:

> I cannot yet forget Berlin. If I only had a friend here like you, my dear, best friend.[9]

And again

> I must remain here in Frankfort, while you can live in Berlin, in the best house, among the noblest people.[10]

More interesting is Haym's comment about one of Humboldt's letters, dealing with Moses Mendelssohn's philosophy: [11]

> Mendelssohn is meant, in his [Humboldt's] introduction, many years later, to the translations from Xenophon and Plato of passages about God, pre-ordination and immortality (now *Gesammelte Werke*, vol. iii, p. 103), in his praise of "a man in whom Germany for a long time honored not merely one of her most acute philosophers, but also one of her finest writers, one to whom I owe my culture in the greatest measure, as I am proud to acknowledge."

Haym added that Mendelssohn had held philosophical-religious lectures for his oldest son Joseph in Berlin, published in 1785

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rules were established; and a deep secrecy lent to the organization the charm of a special importance." Fürst's *Henriette Herz* contains an interesting chapter of her reminiscences under the title, *Ein Tugendbund—Wilhelm von Humboldt* (pp. 156-163). Many of Humboldt's letters to Caroline von Wolzogen, subsequently famous and another member of this organization, which throw light upon it, were published in 1891 in the *Deutsche Rundschau* (vol. lxvi, pp. 228-291) by Paul Schwenke as *Aus Wilhelm von Humboldt's Studienjahren.*

[7] *Briefe von Wilhelm von Humboldt an Georg H. L. Nicolovius*, Berlin 1894.

[8] *Supra*, p. 93.

[9] *Supra*, p. 103.

[10] *Supra*, p. 107.

[11] *Supra*, pp. 114-15.

under the title *Morgenstunden*, which the brothers Humboldt are supposed to have attended.[12] Wilhelm von Humboldt carefully studied Mendelssohn's writings, as these letters show, and they offered to him and his friends rich material for verbal and written discussions.

In the leading biography of Alexander von Humboldt, edited by Bruhns[13] in a section written by Julius Löwenberg, it is said:[14]

It is probable, from the interest that Moses Mendelssohn is known to have taken in the studies of Wilhelm von Humboldt, that there may be some truth in the tradition that he used to spend "morning hours" in walking about the garden in company with the two brothers, and, while engaged in friendly intercourse, discoursing to them valuable lessons in philanthropy and philosophy. Ample proof, however, exists that intercourse of a similar instructive character was maintained between the Humboldts and David Friedländer, since several letters are still extant that were addressed to him by the two brothers.[15] At his death on December 25, 1834, his eldest son, Benoni Friedländer received the following expressions of condolence from Wilhelm von Humboldt:

"TEGEL, January 2, 1835.

"If his life, as you remark, has been a happy one, it has also been one of usefulness and honor, for by his worth and talents he has won for himself a position in which he will never cease to be remembered. It is a great gratification to me to learn that during the illness of our deceased friend, my brother and I had often been in his thoughts, and it can never be forgotten by either of us how diligently he laboured for our improvement. From the kind interest which he manifested toward us from the first, he kept us always in a pleased and eager mood, while his quick intelligence, the almost uninterrupted cheerfulness of his disposition and his constant incitement to some useful occupation, either mental or physical, rendered our studies both interesting and attractive. He early directed our minds to correct views on several important points connected with life and society—views, however, which at that time were by no means universally received."

Another tutor to the two Humboldts is referred to by Kunth, under the name of Meyer; probably this was the mathematician Meyer Hirsch, whose books on algebra and geometry are still in use as educational works and who at that time was engaged in the tuition of some young princes of the court.

Alexander von Humboldt wrote an interesting letter on November 12, 1855, to Rabbi Marco Mortara, of Mantua, regarding this Mendelssohn influence,[16] as follows:

"As I had the honor from my earliest youth to be associated in Germany with distinguished men among your coreligionists who were interested in

[12] Kayserling's *Moses Mendelssohn*, pp. 422, 426; Löwenberg in Bruhns, *Leben von Alexander von Humboldt*, vol. i, p. 29. It is interesting to notice that Gentz came to Berlin as a nineteen-year-old youth, bearing a warm letter of recommendation, dated August 16, 1783, from the philosopher Kant to Moses Mendelssohn, and it is not unlikely that it was through Jewish influences that Gentz secured an entry into intellectual and influential Berlin circles. He was also warm in praise of Moses Mendelssohn. See *Briefe von und an Friedrich von Gentz*, edited by Fr. C. Wittichen, I. *Briefe an Elisabeth Graun, Garve, Bötticher*, Munich and Berlin, 1909, pp. 76, 139, and 141, citing Kant's *Briefe*, vol. i, p. 188.

[13] English translation, London, 1873.

[14] Vol. i, pp. 22-24.

[15] See transcripts in Kohut's *Alexander von Humboldt und das Judenthum.*

[16] See Adolph Kohut's book, pp. 65, 66.

philosophy and mathematics, and inasmuch as one of our greatest and oldest writers, Lessing's friend, Moses Mendelssohn, exerted an influence upon the education which I and my brother enjoyed in the antediluvian period, I notice with very great pleasure how the love of science and serious study in various fields is being developed among the Jews, despite the obstacles which the sad legacy of bygone centuries and the religious intolerance of the Middle Ages, interposes."

In fact, Moses Mendelssohn exerted a profound influence upon the intellectual worlds of Germany and France in that day, some of it more indirectly through his friends, Lessing and Nicolai.

In Bruhn's work [17] Henrietta Herz is described as having been the most noted beauty in Berlin, while her intellectual gifts were also emphasized. It is there said that the phrase: "Whoever has not seen the *Gendarmenplatz* and Madame Herz, has not seen Berlin," was a current saying of the day. She pointed out in her reminiscences, that it was chiefly due to the Protestant Humboldt that the Pope fared as well as he did at the Congress of Vienna.[18]

Among other intimates of Humboldt were Rahel Varnhagen, and David Veit, another of Rahel's diligent correspondents,[19] as was also Ludwig Boerne. Throughout his life Humboldt was on intimate terms with the members of the Mendelssohn family, particularly Dorothea Schlegel, and well acquainted with her sons, the artists Veit, and with the Arnstein and the Eskeles family, of Vienna, and the Bartholdy family.

Humboldt's correspondence with his wife is replete with references to these persons, among other Jews, and we also find about 1834 an interesting characterization from his pen of Rahel Levin Varnhagen von Ense.[20]

Under date of August 14, 1814, from Vienna, Humboldt characterized Dorothea Schlegel, as follows: [21]

I was a very long time at [Dorothea] Schlegel's and had a most interesting conversation with her. She has always had an undeniably great, and now a more delicate, intellect (*Geist*), and whatever is bound up with it; she is also more profound now, whereas she was formerly dry and reticent. We spoke mostly about her husband and his projects, but went from this to more general topics.

Particularly interesting is a passage in a letter which Humboldt wrote to his wife from Chatillon, March 2, 1814, near the end of

[17] Vol. I, p. 41.

[18] Fürst's *Henriette Herz,* pp. 160-2; compare Mejer's *Zur Geschichte der römisch-deutschen Frage,* three volumes, 1885, especially vol. i. pp. 446-491 as to the Congress of Vienna in its relations to the Catholic Church.

[19] See *Briefwechsel zwischen Rahel und David Veit,* two volumes, Leipzig, 1861.

[20] *Briefe von Wilhelm von Humboldt an eine Freundin,* containing an introduction by Ludwig Geiger, *Deutsche Hand- und Haus-Bibliotek—Collection Spemann,* vols. lx, lxxi, part II, p. 176 *et seq.;* letters No. 149 (December 3, 1834), 150 (December, 1834-February, 1835).

[21] See Sydow, *supra,* vol. iv, p. 376.

which he refers to his old-time admiration for the distinguished *salon* leader, Henrietta Herz:

My chief reading, in addition to the classics, is Bossuet; that you can relate to Gentz, who will be edified over it. I derived from him reinforcement for my old and earliest ideas about the Jews. I also accomplished something at Chatillon for the Jews, whom I always aid. I read an edict in our newspapers, providing that in case of dissection of corpses in legal proceedings, a Jew's services should never be secured, but only a Christian physician's. This discrimination made me indignant; accordingly, I wrote to Kircheisen, the Minister of Justice, that he should abolish such a measure, based on prejudice, by enacting a new law, and I hope he will follow my suggestion. They are the last embers of my devotion (*Pietät*) toward [Henrietta] Herz. However, she has herself almost become a Christian. All are deserting the ancient gods.[22]

Among intimate acquaintances of Wilhelm and Karoline von Humboldt was Dr. David Ferdinand Koreff, who became a distinguished Prussian physician soon after Markus Herz's time, acquired important political influence with Humboldt, Hardenberg and even royalty itself, and was also a litterateur. Speaking of the circumstance that Karoline von Humboldt and her daughters arranged to make room to enable Dr. Koreff, their physician, to lodge in a house in Berlin, in which they were sojourning, Varnhagen wrote to his wife on June 26, 1815:

It affords me further satisfaction that Koreff is a Jew, because they are so hostile to all the Jews.[23]

Of course, Wilhelm von Humboldt's chief services to the Jews have already been noted in our paper, comprising mainly his report

[22] *Wilhelm und Karoline von Humboldt in ihren Briefen, supra,* vol. iv, p. 260. It must be conceded that Jean-Paul's famous *bon mot* regarding several of the Jewish *salon* leaders of this period, that there was so little of the Old Testament about them that they all married into the New, was substantially correct. While Henrietta Herz did not marry out of the Jewish faith, she, too, became a convert to Christianity in 1817, soon after her mother's death. Some years later, in her reminiscences, she wrote a striking explanation of the indifference of her generation to Judaism, blaming it upon the poor educational methods, especially for girls, in vogue among the Jews. These failed to interest them in their faith. The trend toward Christianity on their part was ascribed by her to the continuance of out-grown forms and unintelligent Hebrew instruction. Landsberg, *supra,* pp. 107-109.

[23] Briefwechsel zwischen Varnhagen und Rahel, Leipzig, 1875, vol. iv, p. 155; see regarding Koreff, *ibid.,* p. 180, and Varnhagen's *Biographische Porträts. Nebst Briefen von Koreff,* etc., Leipzig, 1871; *Briefe von Stägemann, Metternich, Heine und Bettina von Arnim. Aus dem Nachlass Varnhagens,* Leipzig, 1865, pp. 22-23, 64; *Briefwechsel zwischen Karoline von Humboldt, Rahel,* etc.; Landsberg, *supra;* Berdrow's *Rahel Varnhagen;* J. E. Hitzig's *Leben und Briefe von Adelbert von Chamisso,* constituting vols. v. vi of his edition of Chamisso's *Werke,* 2d edition, Leipzig, 1842; Ludwig Geiger's *Aus Chamisso's Frühzeit,* Berlin, 1905; *Briefwechsel zwischen Jacob und Wilhelm Grimm: aus der Jugendzeit,* edited by Hermann Grimm and G. Henrichs, Weimar, 1881); *Euphorion,* vol. xvi, p. 664. It is not unlikely that he was related to the Solomon Koreff of Prague who figures in an article under that title in "The Jewish Encyclopedia."

of 1809 on Jewish emancipation and his activities on their behalf at the Congress of Vienna. The report on Jewish emancipation is discussed in Gebhardt's *Wilhelm von Humboldt als Staatsmann*,[24] but, as that writer seems to have been unfamiliar with the subsequently published literature regarding Humboldt's activities at the Congress of Vienna, and this evidence of Prince Hardenberg's absorption of Humboldt's views, its importance was unduly minimized.

As hereinbefore indicated, the arguments in this report in favor of an immediate and complete Jewish emancipation are in striking contrast even to Dohm's famous plea, and it is, in fact, a political classic. The accidental circumstances that no Prussian edict was issued on this subject until three years later, that meanwhile different drafts were prepared by others,[25] and that Humboldt ceased to remain in the ministry are of little significance; no other Prussian statesman of the day who studied the question had the standing Humboldt then enjoyed, nor his influence with Prince Hardenberg, and we find Hardenberg immersed in Humboldt's reasoning by 1814-1815. Unfortunately, Humboldt was ahead of his time, and the edict of 1812 by no means measured up to the principles he had laid down.[26]

As regards the Congress of Vienna, his statement as communicated to his wife in the letter of June 4, 1815, cited above, that if it had not been for his devotion and perseverance to the subject, the efforts made there on behalf of the Jews would have failed, is doubtless accurate, and it is sustained by Smidt's contemporary reports, though undoubtedly, other great statesmen of the day also championed this cause, no less disinterestedly than he. It may well be that, if he had remained in active political life, the reactionary forces would have been unable to check Jewish emancipation in Germany so long and so sweepingly.[27]

[24] 1896; vol. i, p. 21, vol. ii, pp. 310-22.

[25] Collated in Freund, *Die Emanzipation der Juden in Preussen*, Berlin, 1912, vol. ii, p. 291 *et seq.*

[26] For a detailed treatment of the edict of 1812 see Freund, *supra;* and an interesting chapter on its history is contained in Alfred Stern, *Abhandlungen und Aktenstücke zur Geschichte der preussischen Reformzeit*, Leipzig, 1885, pp. 225-62; see also, my paper, "Jewish Emancipation a Century Ago and To-day," in *The Reform Advocate*, December, 1917.

[27] An illustration in point of measures which he would have opposed, occurred during his London ambassadorship, and is referred to by von Stägemann in a letter to Rahel, dated February 1, 1816 (*Briefe von Stägemann, Metternich, Heine und Bettina von Arnim*, Leipzig, 1865, p. 30): "The King wishes to convert the Jews willy-nilly to Judaism. He has forbidden all Jewish services in the German language in the private houses

As shown in our paper, Humboldt and Gentz, at least, labored zealously to secure action on behalf of the Jews at the German Diet which met in 1816 at Frankfort, pursuant to the provisions of Article XVI of the German Constitution, adopted at Vienna.

II.

REGARDING THE DRAFT OF A NEW SYSTEM OF LEGISLATION FOR THE JEWS, JULY 17, 1809, BY WILHELM von HUMBOLDT.[1]

The present condition of the Jews among us—the improvement of which is the important problem of every system of legislation concerning this people—rests upon causes and is connected with circumstances making it impossible for any single state to deal with them effectively and radically. Three characteristics distinguish the Jews from all other people of antiquity, particularly in their relations to each other:

(a) Leading originally a nomadic life, they often migrated subsequently, from necessity frequently, at times voluntarily, and they were not infrequently subjected to foreign rule.

(b) An ecclesiastical-political organization, in which religion (in ts pure conception) often became almost a nullity.

(c) A system which imposed an external mark of distinction upon the male sex (by reason of which the religious organization may be characterized as political), that separates them even from those among whom they live.

These three characteristics, merged together, have made of the Jews what they still are among us. Possessing the resulting national character, which enabled them to take a leading part in all great events of the world, and yet one which itself defies complete analysis, it chiefly manifests itself in the Jew in a stubborn attachment to primitive custom and in a remarkable power of passive resistance. This national character—linked together, however, to Christian ideas, by reason of which Judaism and Christianity in one aspect belong in one class, while in another, they are to be regarded as diametrically opposed to each other—gave to the comparatively unimportant Jewish race, even in antiquity, an entirely disproportionate importance. Their condition is, accordingly, an ecclesiastical—world-historical phenomenon, a phenomenon so remarkable that intellects certainly not mean have repeatedly wondered if they can be accounted for in a merely human way.

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of prayer. They should attend the services and hear Hebrew spoken there, because they are not better than the Catholics, who must listen to their masses in Hebrew, to-wit, Latin."

[1] This is taken from *Wilhelm von Humboldt's Gesammelte Schriften,* issued by the Royal Prussian Academy of Sciences, Berlin, 1903, vol. x, pp. 97-115, this volume bearing a subtitle: *Politische Denkschriften,* part I, 1802-1810, edited by Bruno Gebhardt. This draft was particularly suggested by Minister von Schrötter's proposed legislation of 1808, designed "to make the Jews useful citizens in time." After Schrötter's withdrawal from office, Dohna submitted this draft of a new law to the various leading Prussian officials for their views. Many Jews had immigrated to Prussia from adjacent German states during the Napoleonic Wars, which fact accounts for some of the restrictive provisions contained in the bill. Humboldt's colleagues in the section for religion and public instruction rendered concurring opinions a few weeks later; see Freund, *supra,* vol. ii, pp. 269-91.

The means to bring about a change in this condition, as will readily be seen, are to be considered with respect to the above three chief causes. These means are:

1. Assimilation;
2. Destruction of their hierarchical mould;
3. Regulation of their place of abode.

However, as long as these measures are attempted only in a single state, assimilation will never become potent enough; and in regard to religious ideas, the contrast between Jew and Christian will necessarily continue, until the notion that Christianity is the very opposite of Judaism is universally dissipated.

Accordingly, here there are difficulties which no legislative system, least of all a single one, can wholly overcome.

It must be plain and undeniable, however, that every scheme of legislation regarding the Jews surpasses every other one to the extent that it makes segregation unnoticeable and assimilation more thorough.

However, here again two systems are to be differentiated, one of which seeks to abolish segregation at once, and the other only gradually.

Considered by itself alone, and I might say from the purely logical point of view, it can scarcely be denied that only a sudden grant of equal and full rights, is just, politic, and consistent.

Just: because no possible legal principle can be thought of, why the Jew, who desires to assume all the duties of the Christian, should not also participate in all his rights. It would, therefore, have to be first demonstrated that in some particular country the Jews entered it under an agreement for the continuance of only partial concessions, and not merely that Jews, already found there, were tolerated with merely such limited rights. Even then the political question would become all the more important: Should we tolerate the presence of aliens possessing only such limited rights in a state?

Politic: for a leap is necessary, an immediate declaration is requisite to obtain public esteem, necessary even for their moral welfare, for persons who are despised, not on their own account or because of their individual conduct, but on account of prejudice, and because they are made to suffer for the shortcomings of their brethren, as though they belonged to a caste. No matter how many well-behaved Jews the public may see, it will not on that account change its opinion concerning the Jews *per se,* but will always regard the individual cases as exceptions. Not that the State should exactly teach esteem for the Jews,[2] but the inhuman and prejudiced manner of thinking which judges a man, not in accordance with his actual characteristics, but according to his descent and religion, and considers him, not as an individual, but as one belonging to a race, and necessarily sharing alleged common attributes of the race, should be abandoned. But this the state can only accomplish by declaring distinctly and unequivocally that it will no longer recognize any distinctions betweeen Jews and Christians. Finally,

Consistent: for a gradual emancipation merely emphasizes the segregation which it desires to abolish, in all matters that are not repealed, and doubles the same, precisely because the new and greater freedom attracts attention toward the disabilities still continuing, and therefore works toward defeating it own aim.

However, the whole basis of the system of gradual emancipation is, in my opinion, grounded upon a theory of legislation which, though at one

[2] In the original draft, the following passages also appeared: "But the state should teach—not for the sake of the Jews, but because of Christian ethics—that it should never be admissible to speak and say of any human being, whom God has endowed with reason, heart and freedom of will, as it would of animals, possessing mere instinct: the Jews have this and that radical fault, are fraudulent, degraded, etc. But this is what it does, when it makes public declarations."

time accepted, has long since been properly abandoned. It is in fact one which regards legislation as a method of educating the citizen; where it has the means at hand, it strives towards positive results, and, starting from a definite conception of the character and culture of the nation, deems itself capable of leading its subjects toward progress and even toward another stage of development.

However, it seems to me, as the State is to raise itself only through the bestowal and limitation of rights, and thereby to set in resulting proper balance the rights of the citizens, it can merely strive, in negative fashion, and must leave positive effects for the free activity of the nation. Moreover, it must esteem humanity sufficiently to know that the moral standpoint of a nation can never be accurately gauged, much less that its development can be calculated beforehand and mechanically, inasmuch as a nation receives more frequently, and wholly from within, sudden impulses. As all history teaches, these, far from inducing resulting legislation, on the contrary often compel her to follow their lead. In short, the State is not an educational, but a political institution.

To return to the Jews, one has been proceeding on certain assumed concepts of their character, whereas, with respect to accuracy and degree,—and here clearly, accuracy and the question of degree are determinative,—practically no statesman will agree with any other. This character it is sought artificially to change; and, as one finds it altered from time to time, greater civil rights are to be granted to the Jews along with those already enjoyed by all others residing in the state.

Anyone who has seriously studied national characteristics will know of how little value is one's experience, on which one bases one's views in judging them, and what a rare combination of real philosophical insight and of quick and delicate power of observation is requisite in forming judgments. On the other hand, in an equal degree with such a capacity, the positiveness of one's judgments abates, and the result finally is that a cautious man will seldom shape his conduct upon them, a conscientious man will never predicate upon them the granting or withholding of rights.

One is, moreover, involved in the most serious difficulties in endeavoring to gauge the progress of a nation's advance. How, for example, should we judge whether the Jews have become more worthy of public esteem? Should it be on the basis of a collection of individual actions? Or, on official reports on a thousand different matters, but not based upon human observation by efficient officials concerning a subject, on which even individual consideration finds it difficult to reach a conclusion? Or, even on statistical tables, showing how many Jews mastered this or that industry, became agriculturists or soldiers? If upon such externals the general valuation of a single unhappy race is to be made dependent, it is to be determined by reason of them whether an irreproachable Jew can be as competent a witness as the first Christian coming along, I believe, nevertheless, such a course to be incompatible with the plainest dictates of human dignity.

If a state should desire to be consistent on such a point, it would be compelled to have the legislation concerning the Christians differ also, and their civil rights vary in accordance with the culture of the recipients, which notion, fortunately, has not thus far been advanced by any one.

Doubtless some one may say, in reply, that it is not a matter of culture, nor even a matter of manners, which distinguishes the Jew from the Christian, but really the element of probity, the element that makes men of men. But does experience justify anyone in casting such obloquy upon a whole nation? Would not the only remedy to allay such a notion—if this unnatural condition existed anywhere—demand the immediate extirpation of such a view, because, otherwise, the individual person, no matter what he does, remains despised and necessarily despicable? And would not a government which gives expression to such an anathema in connection

with a new legislative scheme,[3] necessarily effect the emigration of the better elements of the race, and leave only the worse behind?

The point at which, as far as I can see, legislation must certainly take into account a thorough understanding of the race, is not as to the purpose of the state itself, the determination of the rights of citizens, and the limits of its activity, but as to the selection of means for carrying out plans based upon universal principles. For this purpose even an incomplete knowledge of character will serve (and no other is possible). For with respect to means, one can change without detriment and judge of their utility by their success.

According to my convictions, no legislative system concerning the Jews will therefore accomplish its purpose, other than one which will find it unnecessary to employ the term "Jew" in any signification except the religious one; and accordingly I favor only one which places Jews and Christians on an absolute equality. If the former would not be ready at once to assume the obligations, devolving upon all citizens, I would, if all measures toward this end had been exhausted, rather expel them entirely from the land. For, to endure persons within a state who would countenance the manifestation of so little confidence in them, even amid our advanced culture, as withholding from them the commonest civil rights, would be prejudicial in the highest degree to the morality of the whole nation.

What is urged against a complete and immediate grant of equal rights is that this would be a leap from one extreme to another, and danger would arise therefrom to the state.

The former of these, obviously, involves a misunderstanding. If an unnatural condition is turned into a natural one no leap, certainly no hazardous leap, is involved; such can be found only if an unnatural, if a real leap from natural to abnormal, antagonistic, conditions, takes place. One converted from serf to master changes his status; because master and serf are unusual phenomena. But if one merely unbinds hands that were shackled, the subject merely reaches the natural condition.

The danger really seems so great because one assumes all Jews at once to be in actual possession of advantages, which, as a matter of fact, it is *possible* for them to acquire, but which, from the nature of the thing, they would actually achieve, only individually and gradually, just as Christians do.

I cheerfully admit that I do not perceive any great danger on that score. What must, in any event, minimize it with every one are the following considerations:

1. The state should exercise complete and strict police supervision, and the Jews, enjoying equal rights, would be compelled to obey the law just as the Christians are, and then no danger would have to be apprehended.

2. The state might direct specifically, wherever the nature of the subject permits and requires it, under what conditions and within what limits various pursuits may be carried on, and the Jew, as well as the Christian, would be bound thereby. No pursuit could suffer, which is, after all, the sole purpose aimed at.

3. If the Jew follows a pursuit contrary to its spirit as, for instance, if he should turn an agricultural pursuit into a commercial venture, his own self-interest would soon promptly set him right. Should that not be the result, this would merely be one of those cases which strong and virile legislation would overlook.

4. Public office cannot be acquired by a person at his own volition. For this an appointment from the state would be required. As to this, therefore, the state always reserves control of the matter.

5. The general danger that the Jew would supplant the Christian is chimerical on its face; it becomes a danger in fact only by reasoning in a

[3] The following words were stricken from the original draft, "providing even, for example, that no Jew should be permitted to deliver acceptable testimony."

circle, because it is first assumed that the distinction between Jews and Christians politically is to be abolished, and it is next assumed that politically it will not be a matter of indifference whether a pursuit is followed equally well by a Jew as by a Christian.

Even if the danger, however, did appear to be appreciable, one would nevertheless have to carefully consider that, as against this, the oppression, breeding now a really appreciable immorality among a number of Jews, would be wholly eliminated, and that, which would still remain, diminish day by day. For, a sudden equalization would very soon render the difference between Jews and Christians unnoticeable. On the other hand, a gradual amelioration would not merely render this danger imminent to some extent, but, coincident with the differences themselves, would continue to exist, if not perpetually, nevertheless much longer.

Those who are too timid about granting a sudden equality of rights are, on the other hand, too eager to adopt a gradual amelioration which carries with it the double dangers of the old and the new condition while working on the assumption that both are being diminished.

Taking up, now, a criticism of the present edict, after considering these general views,—from the spirit of which they are markedly at variance,—as also the system on which they are based, it must be conceded that the Jews acquire, pursuant to them, a high, and in many respects satisfactory, degree of freedom, barring, however, some very glaring exceptions, as also some other provisions which are in direct contradiction to them. Disregarding these, this legislation would gain for them an appreciable advance in their physical welfare, if one were able to overlook the underlying want of moral esteem for them involved.

However, as general defects the following may, I think, be properly noted:

1. It confirms and enlarges the demarcation between Jews and Christians —which it is its precise aim to abolish—through regulations seeking to bring all resident Jews into categories and statistical tables and through petty precautions that no alien Jew be permitted to immigrate to the land. Section 75 requires the production of a certificate of circumcision, and by Section 98 [not merely the authorities but] also the people at large are requested to keep an observant eye upon the settlement of a Jew. On the contrary, the achievement of the general purpose would make it desirable that every one who is not called upon to act in religious matters should be oblivious whether a person be a Jew or not, at which Section 2b[4] aims, whatever else may be said against it.

2. It expresses a moral depreciation of them in an almost repelling fashion. For, while it ascribes to the Jews a high degree of mental culture, as being at least completely possible of achievement, it robs them of all reliance upon their probity, loyalty and veracity. Compare in this respect Sections 9, 10 and 30, with the annotations.[5]

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[4] Section 2b requires that the Jews shall wear German clothing and shave their beards.

[5] Section 9. In particular said persons [all native Jews] may hold all academic and communal positions, as they are educated up to them.

Section 10. The appointment to public office of the present generation in general cannot be permitted. Power is reserved, however, in case superior capacity is exhibited by particular subjects, to make exceptions to this rule.

Section 30. The provisions of the *Allgemeine Gerichts-Ordnung, Theil* 1, *Titel* 10, Section 230, No. 12 are also to continue in force for the first generation. These clauses provide that Jewish witnesses shall not be accorded the full credit Christians are entitled to. The maintenance of this provision, particularly for the present time, is desirable, owing to the lamentable evil consequences resulting from the lower morality of the poorer classes of Jews in particular.

[From the Annotations.]

3. The express establishment of a chief-rabbinate lends additional strength to the ecclesiastical organization of the Jews, which, as already observed, is markedly more political than religious, and constitutes one of the greatest obstacles to assimilation. In a desire to modify gradually the ritual laws through the chief-rabbinate, as is explained in the annotations, the policy is once more pursued of having the State undertake affirmative activities. If one make provision, as the edict does very satisfactorily, for enlightened and learned rabbis, no occasion exists for establishing a chief-rabbinate, because, so far as the Jews may do so at their own instance, it will loose the bonds between the individual Jewish churches and not introduce a peculiar orthodoxy among the Jews. In a much greater degree it will promote schisms, through natural and proper tolerance, and the Jewish hierarchy will crumble of itself. Individual persons will realize that they have merely a ceremonial law and really no religion, and feel impelled to turn to the Christians on their own desire, actuated by the inherent human need for a higher faith. Then, their conversion would become desirable, gratifying and philanthropic, while now—when it involves the desertion of their oppressed brethren and the discarding of burdens hitherto borne in order to be branded as baptized Jews among Christians enjoying full rights—it is only excusable under peculiar circumstances.

4. The framing of the edict is not satisfactory, inasmuch as it makes a long and in part (as in Sections 8 and 29 [6]) really illusory enumeration of the new rights of the Jews.

If even now in the Prussian state the epoch has not yet arrived when the difference between the rights of Jews and Christians ceases, it is always better, first of all, briefly to enumerate their disabilities, and then to declare that, with respect to their remaining rights and duties, they are absolutely equal. The Jew, who reasonably can ask nothing except equality of rights, is frightened by every long edict, because, in his opinion, proper ones can comprise only a few lines.

This being first noted, I comment upon individual sections as follows:

SECTIONS 1-7.[7]

The provisions hereby required of the Jews (with the exception of clothing and the shaving of beards, as every citizen is privileged to wear such decent clothing as he chooses, and the Jews will drop these distinguishing marks very soon at their own instance) must be viewed as universal legal requirements with penal provisions for non-compliance and not conditionally.

An enumeration of the Jews seems to me to be most useless in so far as it is to serve for determining rights and duties. On the other hand, certificates of citizenship exist, and I think there must also be enumerations of denizens and of craftsmen who are not citizens. As soon as a

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[6] Section 8. All resident Jews shall enjoy equal rights with the Christians except in so far as this edict contains no provision to the contrary.

Section 29. The Jews are subject to the same civil laws as Christian believers, and are governed by the same civil and legal relations, other than this ordinance provides.

[7] Section 1. All Jews and their families now living in Prussia and holding letters of protection and concessions are to be regarded as native Jews and Prussian citizens.

Section 2. The continuance of their status as citizens is, however, permitted only—on conditions that they collectively bear definitely—adopted family names, wear German clothing, and have their beards cut; and in keeping books of account, documents and other writings designed for public use employ the German language and German or Latin characters.

Section 3. In order to comply with these conditions three months' grace is granted to them; those not complying with them are to be regarded as alien Jews.

system of village police is organized, a similar institution will be established in the country, and then Jews as well as Christians will be registered. A person not registered is merely a traveler, a foreigner, subject to expulsion beyond the boundaries at a moment's notice, and therefore not dangerous.

Where reference is had to a right that can be exercised only by a Christian, the baptismal certificate should be required; thereby the Jew is necessarily excluded, without requiring registration. Never should the Jew, however, be required to prove that he is a Jew. Because, take the case of a father who refrains from having his sons circumcized, without having them become Christians. Would the State compel him to resort either to circumcision or baptism?

In this connection I think one should reiterate the often repeated proposal to have births and marriages evidenced through civil forms, in addition to the ecclesiastical rites connected with them. Complaint has often been made about the unreliability and errors of the church records, and in any event it would be safer to secure a double attestation of occurrences that are so important for civil life.

SECTIONS 9-10.[8]

These sections ought, in my opinion, to be absolutely changed.

In the edict itself there is only one awkward phrase. The draftsman realized that a complete exclusion from public office would be unjust and inexpedient as well. He provided for exceptions and simply overlooked the fact that it would be better, along these lines, not to mention the subject at all, inasmuch as the bestowal of public office is always dependent upon the selection of the government.

The provision regarding the universal police, however, absolutely excludes the Jews from all public office; nevertheless, it permits the acquisition of academic and communal appointments.

As against this, the matter of public instruction must be preserved inviolate. In order to be a teacher not merely talent and scholarship are necessary, but also morality and a sense of duty, and scholarship itself requires the one, as well as the other, if it is not to be mere learning by rote. This the schools and universities can better dispense with. The section regarding an industrial police recognized this, and the one dealing with the police in general must have overlooked the connection between the two sections, for a nation which is to be universally excluded from offices of state, because of doubts regarding its sense of duty, cannot logically be made qualified to fill teaching positions. This would involve not honoring said nation, but lowering the post of teacher.

The section regarding public instruction ought not to determine whether the Jews may secure state positions. If the negative view is to prevail, it must be taken into account and insisted upon that Section 9, as far as it relates to school positions, shall be eliminated, and there, also, either the

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Section 4. Their family names must be declared by them before the police authorities within six months. Publication through the public newspapers of the province shall be at the expense of the person concerned.

Section 5. Within the time limited the police authorities of every place shall prepare an alphabetical enumeration of the Jews enjoying protection and concessions and annex the letters of protection.

Section 6. The authorities of the province shall prepare the registers-in-chief and issue to every Jew who is protected or licensed a certificate that he is a resident. This certificate shall take the place of the letter of protection.

Section 7. Regarding the enumeration, further particulars will be determined upon.

[8] See Sections 9 and 10 quoted *supra*, p. 75.

exclusion of Jews be made absolute,—(which, however, is not to be favored, nor is any curtailment based upon the fluctuating condemnation of a whole nation),—or their capacity left to rest upon individual qualifications within their circle, without regard to descent and religion, where religion does not come into play. But an expression, which insults the entire teaching staff, cannot be allowed by the ministry to remain in a public edict, and the section regarding their duties cannot be overlooked.

In connection with Jewish communal positions, it has perhaps not been borne in mind that, according to uniform principles, the Jews also would find a place in a national representation. Surely it would be extraordinary if one, who may become the representative of his entire nation, cannot fill any, perhaps unimportant, public post. I cannot agree with the distinction made in this respect in the section regarding the industrial police. A prejudice injurious to the rights of many members of the state, such as disrespect for the Jews, must not be ignored by the state, but it should declare squarely against it.

According to my views Sections 9 and 10 should be entirely omitted. Capacity in general is self-understood, and the actual enjoyment of these privileges is dependent upon the people at large, the authorities, and the king, and within their control.

Sections 12-15.[9]

Concerning the removal of restrictions upon settlement in the country districts, I am fully of Privy Counsellor Köhler's opinion.

Sections 18-20.[10]

Privy Counsellor Köhler correctly remarks that the discrimination sought to be abolished is, in fact, preserved, if the ecclesiastical commoners (*Kirchliche Gemeine*) are carried over into political regulations. But the same thing is done if desertion by a Jew is punished more severely. That such desertions will not be frequent, the mockery and the reproaches of the Christians will assure; if, meanwhile, a few cases of desertion do actually occur, is it necessary for the State to legislate so much in advance regarding the prohibition of every such single contravention?

Sections 21, 22.[11]

I agree with Privy Counsellor Köhler.

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[9] The edict attempts to confine residence as a rule to the cities; in the rural districts the Jews may sojourn only as common agricultural laborers or as rural manual-laborers, and may acquire real estate only under the conditions specified in Section 85. Köhler on the contrary desires to make sojourn in the rural districts easier, to permit them to acquire any kind of land there, and to follow every authorized civil pursuit. (Köhler was counsellor in the section dealing with industrial police. See Köhler's report in Freund, *supra*, vol. ii, pp, 251-60.)

[10] Section 18. The Jews are also subject to military conscription and cantonal duties, and, in fact, in the most stringent terms.

Section 19. At the expiration of six months and after names have been fixed upon for them, they are to be entered in the cantonal books and family rolls.

Section 20. If a Jew deserts, the community must provide two of its members as substitutes for him.

[11] While this edict fixes the age at which marriages may take place at 21 for male Jews and 16 for Jewesses (Section 21), and establishes severe penalties for violations (Section 22), Köhler desires to make the general laws of the land applicable to the Jews.

SECTIONS 23-26.[12]

If the state determines accurately who in fact is an alien, industrially qualified and subject to all the general governmental burdens of denizens, there will be no need for the distinction between natives and aliens in connection with marriages. In order to qualify an alien to become a denizen, a formal act will be necessary, in the case both of Jews and Christians. This cannot be consummated without prior notification to the officials of the state. Here also what was said above about marriages as *actes civiles* applies.

SECTION 30.[13]

The abolition of the requirements under consideration and the circumstance that the Jew must be able to render absolutely competent testimony, even against Christians, I regard as a fundamental prerequisite of every admissible scheme of legislation regarding the Jews, and as an absolute requirement for every reform of this people. Neither in civic gatherings nor in schools nor in daily life can human beings have any kind of human intercourse with one another or any relations going beyond a simple civil coëxistence where one section, by reason of its descent, inspires suspicion as to its elemental moral attributes, its veracity, in the other. This must be legally borne by the one and maintained by the other. It would be much better to retain the old order of things.

SECTIONS 36, 37.[14]

If the acquisition of citizenship, which can always be denied, were to be conditioned upon an express authorization from the king, these specific legal requirements would be unnecessary, as the government would not be bound to render an account of the reasons which impel it to withhold its consent.

Moreover, I coincide with Privy Counsellor Köhler in not regarding the immigration of foreign Jews as so dangerous.

SECTIONS 38-40.[15]

Loss of citizenship should be imposed on Jews only where Christians incur the same penalty. A law which seeks to abolish the difference between

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[12] Section 23. Solemnization of marriages among native Jews requires no authorization; the rabbi must have the requisite age, as also that the parties are natives, established before him, and notify the police.

Section 24. Natives may marry foreign women without authorization when the requisite legal age is established.

Section 25. Through marriage with a native Jewess, no foreign Jew can acquire a legal right of settlement in Prussia.

Section 26. Foreign male Jews ought not in fact be married in this country; in exceptional instances leave to do so may be secured.

[13] See *supra*, p. 75.

[14] Section 36. Prussian citizenship can be acquired by foreign Jews only with the authorization of the Minister of the Interior on the application of the authorities.

Section 37. The application must be based upon special services to the state, excellent scholarship, new undertakings conductive to the general philanthropic good. Other grounds will be rejected.

[15] Section 38. Loss of citizenship shall result from the commission of all offences carrying with them imprisonment in a fortress for one or more years.

Section 39. Also in case of dealing in contrabands, voluntary bankruptcy, counterfeiting of coin, introduction of counterfeit coins, forgery, larceny, concealing stolen property, even if lesser penalties than hereinbefore mentioned are fixed by law.

Section 40. The courts are formally to decree loss of citizenship in all such cases.

the two religious communities does not do well to represent the acquisition of citizenship by the Jews as an extraordinary favor.

Moreover, what is to become of those thus punished? To banish them from the land is difficult, and to allow them to remain with inferior rights, as above remarked, very doubtful policy.

SECTION 43.[16]

This seems unnecessary, as it is unlikely that an adequate number of Jewish families will be found in the villages. But even if they should be encountered, there is no reason for preventing the formation of rural synagogues.

SECTION 54.[17]

Privy Counsellor Köhler's comment is fully justified.

SECTION 56.[18]

Inasmuch as the examinations are to be scientific only and their purpose negative: to exclude illiberal and ignorant persons from the position of rabbi; not positive: to determine their capacity for such a post, these examinations ought to be conducted by scientific functionaries, not by the ecclesiastical and school functionaries. It were well then for the former to call into conference scholarly Jews.

SECTIONS 59, 60.[19]

That Jewish laymen constituting merely an ecclesiastical corporation should have a Christian director-in-chief, his compensation to be borne by them, seems extraordinary to me. I think it would suffice if the selection of the rabbis requires an examination on an authorized subject and their confirmation would rest with the Government.

SECTIONS 66-68.[20]

I have already expressed my views regarding the Chief Rabbi. If the laymen do not ask for the establishment of such an office, none should, in my opinion, be required.

Conflicts between the laity and their rabbis are naturally to be decided, if they are not real law-suits, by the government of the province, and if a knowledge of the Jewish religion is necessarily involved therein, it will secure opinions from distinguished rabbis. In the second instance the

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[16] Section 43. Synagogues may be erected only in cities.

[17] Section 54. Every candidate for the rabbinate must have studied three years in a university of the state, and furnish certificates of attendance at philosophical courses and of the study of Oriental languages. Köhler wants to have these requirements continue only as long as they govern Christians.

[18] Section 56. The examination of rabbis on scientific lines and their confirmation are delegated to the ecclesiastical authorities of the province.

[19] Section 59. The board of directors shall consist of the director-in-chief chosen from among the city magistrates and two directors selected from the Jewish heads of families; confirmation by the magistrates is necessary.

Section 60. They must serve for three years gratuitously; reëlection is permitted. The salary of the director-in-chief must be defrayed by the Jews.

[20] Section 66. In Berlin a Chief Rabbi shall be appointed to supervise all the Jewish communities of the monarchy.

Section 67. All the community shall contribute to his compensation.

Section 68. Complaints against rabbis are to be investigated and adjusted by him; the court of final appeal shall be the provincial authorities (*provinzial Behörde*) and the section on religion (*Section des Cultus*).

matter goes to the section on religion. These authorities are the ones to pass on dismissal of the rabbi, but in deference to the wishes of the laymen only if a special concern of the state be involved.

SECTION 69.[21]

The text-book for religious instruction used by the rabbi, must assuredly be approved by the state. It must, however, conform, within the requirements of the general censorship, to the principle that the state shall not regulate religious affairs.

SECTION 70.[22]

This is very good. Nor should there be permitted any longer special Catholic schools and least of all those of the Reformed Church.

SECTIONS 72, 73.[23]

Special Jewish hospitals should certainly be permitted. But Jews should certainly not be barred from the general Christian institutions, and particularly for this reason it is desirable that they should contribute to their maintenance.

SECTIONS 76-80.[24]

According to my views, this supervision on the part of the state as to the number of Jews or Christians that should be allowed to pursue this or that occupation goes too greatly into petty details. However, as the state does frequently establish such provisions and at least heretofore the nobility was not permitted to ply common pursuits, these limitations can certainly be defended.

SECTIONS 81-93.[25]

I agree with Counsellor Köhler.

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[21] Section 69. Religious instruction shall be imparted by the rabbi on the basis of text-books approved by the state.

[22] Section 70. For general instruction for their children Jews may secure the services of private teachers or the existing public schools. Special Jewish schools will not be permitted.

[23] Section 72. Jewish hospitals and almshouses are to be governed by the requirements as to private endowments.

Section 73. Their existence shall not relieve those supporting them from their obligation to contribute to the maintenance of public institutions of this character.

[24] Section 76. Trade in all cities of the monarchy is permitted.

Section 77. In order that they be induced to take up other occupations, in the large cities ten Christian merchants, and six in the small, should be found to each Jewish merchant.

Section 78. The Jews may pursue all kinds of trade except dealing in old clothes, which is not permitted to any Jew.

Section 79. A Jew may also be a broker.

Section 80. If the Jews exceed their quota in the cities, more will not be allowed to immigrate until the normal number is reached.

[25] Section 81. With respect to Jewish merchants acquiring residence, the same requirements must be observed as in the case of Christian merchants; the former shall also have the same relations toward mercantile corporations as the latter.

Section 82. The like conditions shall be applicable to other Jewish craftsmen.

Section 83. Country property Jews may acquire only with the consent of the police.

Section 84. Consent will be given only on condition that the Jewish transferee obligates himself (a) on such agricultural estates as have no

SECTION 94.[26]

The term, moneyed business (*Geldgeschäft*), is, clearly, too indefinite.

SECTION 97.[27]

To encourage informers may be very dangerous, in view of the relations between Jews and Christians, and in the light of the hatred prevailing in many places. It would not lead to the desired end of establishing friendly relations between the two religious parties.

SECTION 102-122.[28]

That Jews who have not yet become citizens of the state in the manner above prescribed should not be permitted to ply civil pursuits, is quite proper, but it ought apply to the Christians also. For he who wishes to ply his vocation ought also to be compelled to bear his share of the burdens of the state. But that traveling Jews merely should have passports, be allowed to stay only twenty-four hours, etc., is an offensive regulation, which will make the differences between Jews and Christians perpetual. It will never become necessary, for generally applicable police supervision is obtainable.

Finally, an observation, emphasizing caution in connection with new legislation regarding the Jews, would perhaps not be out of place.

The present condition of this nation must necessarily involve great external and also physical drawbacks, but morally the want of esteem in which they find themselves, does not affect either them or the Christians

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farmers, that he will secure within six years one-quarter of his employees from among his coreligionists; (b) on his acquisition of estates on which there are farmers, such will be collectively relieved from service, and all farms within three years will be delivered to their occupants free from tolls in respect of service, drink and mill.

Sections 85-88. Penalties if the above conditions are not complied with.

Section 89. Mills, inns, public houses, etc., may not as a rule be owned by Jews.

Section 90. For the establishment of factories in the country, an authorization shall be necessary.

Section 91. Jews may not carry on trade in the rural district.

Sections 92-93. Penalties for violations thereof. Köhler desires to omit Sections 83-88; to Sections 89 and 90 he wishes to add mills.

[26] Section 94. The moneyed business by Jews with Christians of the rural districts or loans of merchandise by the former from the latter is prohibited.

[27] Section 97. From all these penalties, the informer is to receive one-half the recovery, the other half to go to an eleemosynary institution.

[28] Section 102. Foreigners or such as do not comply with the provisions of Section 2 shall be regarded as alien Jews.

Sections 103-6. Settlement is forbidden to them; they may not become rabbis or synagogue officials, or apprentices, or be employed for industrial purposes. Penalties provided for the communities for infractions hereof.

Sections 107-122. Entry of foreign travelers is permitted, but they must have a pass and secure a passport; penalties for omitting their town, for leaving the route, for begging and peddling; they may not remain in any place longer than 24 hours, then they must report to the police and apply for a permit to sojourn longer; the passport for a locality must not be valid more than two weeks, except in the case of fairs when not over four weeks' leave for foreign Jews in transit through the country may be given.

very much. For this condition is regarded as a survival of barbarism and former prejudice, and it is assumed that the state itself discountenances it, but has waited with abolishing it solely because of the many practical difficulties attending its alteration.

But in a new law the government expresses its own views, borne by it now, regarding the Jews and the possibility of their civil amelioration, and this opinion must necessarily be of the greatest importance in shaping the general sentiment of the nation. A new legislative system regarding the Jews that is not quite wise, may thereby perhaps remove many physical detriments, but gives rise to the possible danger of creating new, greater moral drawbacks also, than even their present condition presents. Through the misdirection of the universal opinion and the strengthening of the old prejudices against the Jews such evil arises.

HUMBOLDT.

July 17, 1809.

APPENDIX B.

The Influence of Lewis Way and Other English Missionaries upon Alexander I's Treatment of the Jews.

Way's relations to Czar Alexander I of Russia were typical of those of two groups of English missionaries, who exerted great influence upon the entire treatment, not only of the Jews in Russia and Poland at this period, but of religious affairs in general from 1813 to 1825, during the reign of this monarch, and we refer here to the British and Foreign Bible Society and the London Society for Promoting Christianity among the Jews, and their leading workers of that day. The circumstances that accounts of their activities were printed chiefly in England, and in annual reports and similar books that are seldom consulted even there, is responsible for a failure not only on the part of Jewish historians, but of historians of Russia in general, to utilize this material adequately. It is clearly established that Alexander I in 1812 on the eve of the Napoleonic invasion of Russia was induced by his intimate, Prince Galitzin, to read chapters from the Bible daily, and from then on all projects for popularizing the Bible and encouraging its translation and general reading among his subjects greatly appealed to him. This was so, although the Russian Holy Synod, like the Roman Catholic Church, had discouraged the popular study of the Bible. Around the same time the Russian Ambassador at Stockholm, doubtless at the instance of Alexander I and Galitzin, sent for one of these British Bible Society workers, Rev. John Paterson, and urged him to start organized work at St. Petersburg. Paterson was given a safe-conduct into Russia at a time when that empire was still at war with England as Napoleon's ally, being informed that Russia would side against that "Anti-Christ" very soon. Soon thereafter, the Russian Bible Society was started, with generous imperial aid, Prince Galitzin, Alexander's Minister of Worship and Public Education, becoming its president. The Bible was translated into Russian tongues, and thereafter under these auspices hundreds of thousands of copies of it were circulated in all the languages of the empire. In line with this, special efforts to organize public schools were made by Alexander and Galitzin, with the aid of Joseph

Hamel, William Allen, Heard, and Capodistrias, the English "Lancaster" type being particularly favored. The Bible Society workers were especially interested in labor among the Jews of Russia, its workers, Ebenezer Henderson, Robert Pinkerton and John Paterson,[1] and their associates often directly coöperating in Jewish conversion activities with the missionaries of the London Society for Promoting Christianity Among the Jews, such as Rev. Lewis Way, Benjamin N. Solomon, Johann C. Moritz, Rev. Mr. Cox and Joseph Wolff.

The annual "Reports with Appendices" of the Bible Society, and the separate works and biographies of its three leading missionaries above named, are full of references to the condition of the Russian and Polish Jews, and these also reprinted the reports and announcements of the Russian Bible Society and its branches. These writings, of course, must be used cautiously, as these missionaries were naturally disposed to over-emphasize the then benighted condition of the Jews in Russia and Poland and the success and hopefulness of their own evangelizing efforts among them. They were, however, often humane, sincere men, eager to improve the condition of their unfortunate Jewish fellows aside from proselytizing efforts, and Jews in Russia in some numbers purchased copies of the translation of the Old Testament, as also, it was contended, of the New, and aided the general work of the society, oblivious of its missionary proclivities. The same is also true of the information in the annual reports with appendices of the London Society for Promoting Christianity among the Jews, its monthly periodical, *The Jewish Expositor*, and separate publications by some of its leaders. The society had distinguished and influential men among its officers, and expressly took up, under Way's direction, foreign work on a large scale, by resolution adopted at its annual meeting, May, 1817. This resolution

[1] See, besides their letters in the "Bible Society Reports with Appendices," and the publications of the London Society, E. Henderson, "Biblical Researches and Travels in Russia," London, 1826, especially pp. 196-245, 306-39, 416-9; T. S. Henderson, "Memoir of the Rev. E. Henderson," 1860, written by his daughter; Rev. John Paterson, "The Book for Every Land," 1858; William Swan, "Memoir of the late Mrs. Paterson, wife of the Rev. Dr. Paterson," Edinburgh, 1824, 3d edition; Robert Pinkerton, "Russia," London, 1833; *idem*, "Present State of the Greek Church in Russia," New York, 1815, especially p. 273 *et seq.*; *idem*, "Extracts of Letters from Rev. Robert Pinkerton," etc., London, 1817, practically a reprint from the Bible Society Report; biographical sketches in the "Dictionary of National Biography" and Owen's and Canton's histories of the Bible Society, *infra*.

was anticipated by a sermon by Way, thereafter printed, preached on that occasion. Way himself had four different interviews with Alexander I in Russia in 1817-1818, in the course of prolonged travels which lasted a year and four months, undertaken at his own expense, in aid of his Jewish conversionist projects, and at Alexander's instance he visited the Crimea in connection with the proposed Israelite-Christian colonies there,[2] concessions for which he seems to have been mainly instrumental in securing.[3]

On the other hand, even non-proselytizing activities on the part of these men, such as the improvement of general educational opportunities among the Jews, as well as their labors for Jewish emancipation, and particularly Russian governmental approval of

[2] See Dubnow, "A History of the Jews of Russia and Poland," vol. i, pp. 396-7; the imperial *ukases* were printed in full in *The Jewish Expositor*, 1817, pp. 384-91; see also, "The Jewish Encyclopedia," *s. v.*, Israelite-Christians.

[3] In its May 8, 1818, report, the London Society stated that "Alexander I received him [Way] in the most condescending and friendly manner, and gave him the warmest assurances of zealous support and coöperation on all measures tending to the promotion of Christianity among his numerous Jewish subjects. There is reason to believe that, since the date of the latest accounts from Mr. Way, which left him at Moscow, he has visited the Crimea, under the express sanction, and probably also in the company, of his Imperial Majesty. The importance of that peninsula, as an object of investigation on account of the number of Caraite Jews residing there, need not be enlarged upon by your Committee." The appendix to this report contains numerous letters from Way and Rev. R. Cox, a companion of his, down to November 28, 1817. The 1819 report of the society contains B. N. Solomon's account of his activities, while accompanying Way, and following up his plans in Russia and Poland, pp. 21-5, 28, 29, 50-65, as also Robert Pinkerton's and Moritz's reports on their proselytizing activities, pp. 43-50. So also the 1820 report, pp. 49-58, 79-94, and *The Jewish Expositor*, during this same period, contain occasional letters from Way, but he does not seem to have published any circumstantial reports of his activities after November 28, 1817, except letters covering his efforts in March and April, 1818, *after* his early interviews with Alexander and Galitzin: *The Jewish Expositor*, 1818, pp. 273-84. At the society's 1819 meeting, it was announced that letters from Way from Russia were not included, out of deference to his presence at the meeting itself, especially "as such insertion would only be an anticipation of statements which will appear in a journal already announced for publication." See *The Jewish Expositor*, 1818, pp. 223-7, and the Way-Solomon letters in that volume, but the journal referred to does not seem ever to have seen the light of day. It is possible, however, that the intermediate period was covered in a work of Way's, which I have not been able to locate in this country, published by him in 1818, entitled, "A Letter Addressed to the Bishop of St. David's, Joint Patron of the London Society for Promoting Christianity Among the Jews, with an Appendix." It was referred to in *The Jewish Expositor*, 1819, pp. 37-38, and a copy is listed in the *British Museum Catalogue.*. Some such "Letter" was referred to as containing further letters from Way in the course of an address at the 1819 meeting of the society by Rev. Mr. Cox, *The Jewish Expositor*, 1819, p. 240.

their plans along these lines, were quite certain to encounter opposition from Jews, who were naturally inclined to look for conversionist motives emanating from these sources. Thus, the converted Jewish missionary, Solomon, submitted an educational plan, having independent non-conversionist features, to the governmental authorities in 1818, which his society approved,[4] for non-religious instruction for the Jews in Poland, in the course of which prudent laws for educational reforms enacted by Emperor Joseph II and the king of Holland for their Jewish subjects were adverted to. But he unwisely added:

> That a similar plan might be easily adopted and enforced by his imperial Majesty, on his Jewish subjects in Poland, will, I think, admit of no question whatever—that such a plan, if prudently conducted, *will and must ultimately, prove useful in conducting them to the Christian faith, will admit of little doubt.* But one circumstance I must take the liberty of stating to your Excellency, viz., that some of the more enlightened part of their community ardently wish, and impatiently wait, for his Majesty's command respecting such an institution, and they even request me to propose it to his Excellency Prince Galitzin, and to state, they are willing to assist in forming a plan that would involve the government in no expense whatever, and the object of which would be, to turn a part of the public properties of the communities, otherwise spent in useless ceremonies, &c., into this most salutary channel.

Naturally, the publication of such weak arguments in favor of a good cause, general education, alienated devout Jews and defeated its own ends, even as far as these were salutary. Probably for this reason Way was advised not to be guilty of the indiscretion of publishing accounts of his interviews with Alexander and his chief officials, and changed his original plans in that regard. Solomon describes some of Way's activities, however. At the suggestion of Alexander I, then the most influential man in Europe, Way went to the Aix-la-Chapelle Conference to submit his memorial in aid of Jewish emancipation there, enthusiastic and hopeful of the results of his humane and really disinterested labors. The life of William Wilberforce, an active official of both the Bible and Conversion societies, by his sons[5] contains an interesting account of an interview which Way, as the emissary of the great opponent of slavery, had with Alexander shortly before

[4] "Eleventh Report of the London Conversion Society," 1819, pp. 28-31, 50-65, especially pp. 54, 55. Compare Way's recommendations on this subject at Aix-la-Chapelle, *supra*, pp. 54, 55. Note also the recommendations of Dr. Frank, a Jewish physician in Russia, to the governmental authorities in 1800 in favor of instruction in Russian, German and Hebrew for Jewish children which are referred to by Hessen in *Monatsschrift, supra,* vol. lvii, p. 259 (1913).

[5] Five volumes, London, 1838, vol. iv, p. 333.

the Conference of Aix-la-Chapelle met. In a Latin account of it, addressed to Wilberforce, Way wrote in 1817-8: [6]

> It was not an audience of a private man with an Emperor, but rather a most friendly exchange of views of a Christian with a fellow Christian. What genial condescension, what an inviting smile, what an open heart, what fiery words and what love; almost, or rather complete and absolute, divine love! It was the spirit of God which manifested itself in this memorable interview.

Some years later, at the request of the Swiss evangelist, Empeytaz, who was in close touch with both Alexander I and Mme. de Krüdener, Way added notes to an English translation of Empeytaz's pamphlet "Some Particulars relating to the late Emperor Alexander, with notes by L. W." [7] In the last-cited edition, Way is referred to as having

> had interviews with the Emperor at Moscow, at Aix-la-Chapelle and in the Crimea,

and in one of the notes,[8] language regarding interviews with Alexander by Way is used similar to that employed in the letter to Wilberforce above quoted, and he also says: [9] "I have often conversed with Alexander." Miss Drusilla Way wrote an account of some of her father's activities for Prof. Franz Delitzsch at Rev. P. L. D. Acland's request, as follows:

> In 1817 he [my father] went to the Continent, in order to pave the way for the Mission [London Society]. In Berlin he enlisted the English Ambassador, Sir George Rose, in the cause, who has since then been one of its most zealous promotors. Introduced by him to the Crown Prince, he interested the latter also, who became so fond of him, that he subsequently presented to him through Sir George Rose an allegorical enamelled porcelain piece, as a token of his grateful remembrance. His real destination was Russia. Here in St. Petersburg he had four deeply affecting interviews with Emperor Alexander, who received all he told him about the condition of the Jews and the duty of the Christians, to interest themselves in their external and spiritual welfare, with the warmest and liveliest sympathy. At this time the Emperor developed a scheme for a Jewish-Christian colony in the Crimea, which was, however, never realized. It was his express wish that my father meet him at the Congress in Aix-la-Chapelle, in order to lay before the gathering of notables there and bring close to their hearts, the matter of the Jews. Sir Thomas Acland, who was present, in friendly fashion aided him in this appeal to the sovereigns of Europe.[10]

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[6] *Ibid.;* also quoted by Miss Way in *Saat auf Hoffnung,* vol. xiv, p. 128 (1877).

[7] London, 1830, second edition, translated by William Henderson, Aberdeen, 1855.

[8] P. 12.

[9] P. 13.

[10] *Saat auf Hoffnung,* vol. xiii, pp. 211, 212 (1877). Subsequently, according to Miss Way, *ibid.,* vol. xiv, p. 127, Way desired to continue action on Jewish affairs at the Congress of Verona in 1822, but Count Nesselrode answered him politely that the time afforded for despatch of the programme already agreed upon, was so brief, that the Emperor would have to deny

When, however, the reactionary elements succeeded in convincing Alexander that the Bible Society workers were in danger of undermining not merely the established Greek Church, by popularizing the Bible and educating the populace, but also of overthrowing autocracy and promoting revolutionary efforts, Alexander's attitude completely changed in 1824. Galitzin was removed from his exalted office as Minister of Ecclesiastical Affairs and Public Education, and ordered to resign the presidency of the Russian Bible Society; popularization of the Bible in Russia was stopped; the Society's labors were throttled, and reactionary fanatics were given full sway. A number of the foreign religious workers were ousted from Russia. Naturally enough, the Israelite-Christian movement also died a natural death with the removal of Galitzin, and its other sponsors, and the liberal attitude of the Czar towards Jewish amelioration changed. It is thus apparent that the position of Alexander's administration towards the Jews was governed during the last thirteen years of his reign in a large degree by his attitude toward the Bible Society and its workers, and it must be considered largely in this respect.[11]

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himself the satisfaction of resuming in Verona the relations begun in St. Petersburg regarding Jewish affairs. Way evidently was acting in concert with other advocates of Jewish rights, for evidently a passage in a letter written by Gentz to Pilat from Verona, November 24, 1822, *Briefe von Gentz an Pilat, supra,* vol. ii, p. 118, referred to the same plan. Gentz wrote: "Buchholz has selected an unfavorable time. Nothing is still more uncertain than the future organization of our representation, nothing more undecided than the position of Handel. Kress is in no position to give information about these matters, and he dares not even discuss them, not with the Prince, whom he fears entirely too much to do so, not with Münster nor me, since he does not trust us. Anyway, this matter does not belong at Verona." See W. Allison Phillips, "The Confederation of Europe," pp. 266-280, regarding the Verona Congress in general.

[11] See, besides the works above-cited, Peter von Goetze, *Fürst Alexander N. Galitzin und seine Zeit,* Leipzig, 1882, a work written by a subordinate of Galitzin in the Foreign Religions Bureau; A. N. Pypin, *Die Geistigen Bewegungen in Russland in der ersten Hälfte des 19. Jahrhunderts: I. Die russische Gesellschaft unter Alexander I,* a German translation of the second edition of a classic Russian work, which, unfortunately, incorporates by reference only in notes on pp. 489, 622, 623, some more specialized Russian articles by the same author, published in the Russian periodical, *Vestnik Evropy* as follows: "The Bible Society" in volume for 1868, Nos. 8-9, 11-12; "Madame de Krüdener," 1869, August-September; "Emperor Alexander and the Quakers," October; "Memoirs of the Quaker Grel. de Mobi, regarding his sojourn in Russia 1818-1819" in *Russk Starina,* 1874, vol. ix, pp. 1-36; "Correspondence of Galitzin und Photi," vol. xxxiii-v, 1882; "Lobzin's Expulsion," 1875, vol. xi, pp. 283-91; N. Tourgenieff, *La Russie et les Russes,* 3 vols., Paris, 1847; J. H. Schnitzler, "Secret History of the Court and Government of Russia under the Emperors Alexander and Nicholas," London, 1847; Theodor von Bernhardi, *Geschichte Russlands und der europäischen Politik in den Jahren 1814-1831;* Schliemann,

Despite his mystical-religious vein, Alexander I was repeatedly characterized by people who knew him well as liberal and tolerant, and the complete collapse of the Jewish-Christian conversion movement, after the downfall of the Bible Society, confirms the view that he promoted this project solely to oblige the English

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Geschichte Russlands unter Nicholas I; vol. i dealing with Alexander I's reign; *Oeuvres Complètes de J. De Maistre,* Lyons, 1886, vol. viii, pp. 336, 341, 345; *Correspondance Diplomatique de Joseph de Maistre 1811-17,* ed. by Albert Blanc, 2 vols., 1860, especially vol. ii, pp. 362, 363, see pp. 57-62, 117-122, 308-13; Duke Mikhailovich, *L'Empereur Alexandre I,* vol. ii, p. 327; Rev. John Owen, "History of the Origin and First Ten Years of the British and Foreign Bible Society," 3 vols., London, 1816; Canton, "History of the British & Foreign Bible Society," 2 vols., 1904; M. Philippson, *Neueste Geschichte des jüdischen Volkes,* vol. i, pp. 73-6, 135-7 and the bibliography on pp. 395, 396, and "The Jewish Encyclopedia" articles, by the late Herman Rosenthal, on Alexander I, Agricultural Colonies in Russia, and Russia, and their bibliographies, properly described as "excellent" by Philippson. It should also be observed that Madame de Krüdener, who wielded such great influence over Alexander I for some time, had several Jewish, or baptized Jewish, intimates, including (1) the *methodistische Jude Asch,* as Rahel Varnhagen von Ense describes him (which does not necessarily mean that he was converted, in view of the then common primary meaning of the term *methodistisch,* compare A. Asch, *Maimonides Lebensgeschichte,* Berlin, 1816, and A. Berliner, *Zur Familienname Asch,* but as tending to the contrary see Metternich's *Memoirs, supra,* vol. iii, pp. 59, 60), in a letter to her husband, in which she mentions Madame de Krüdener as Asch's patron. *Briefwechsel zwischen Varnhagen und Rahel,* vol. v, p. 5, September 17, 1815. (2) Joseph Wolff, the missionary; Eynard, *Vie de Mme. de Krüdener,* vol. ii, pp. 139-145; "Travels and Adventures of the Rev. Joseph Wolff," London, 1861, pp. 35, 36; and (3) Ludwig H. Friedlaender. See "The Jewish Encyclopedia" biography. Moreover, Madame de Krüdener's brother was an active director of the Russian Bible Society, as was also Count de Lieven, the Russian Ambassador at London, who, with his wife, and Prince Galitzin, was present at the Aix-la-Chapelle Conference in Alexander's retinue, as were also members of the Baring banking firm, whose head, Sir John Baring, was then president of Way's London Conversion Society. Also present were Thomas Clarkson, the abolitionist, sent to Aix-la-Chapelle by Wilberforce, to aid in the effort to prohibit the slave-trade by international measures, and who had an interview lasting an hour and a half there with Alexander, and Sir Thomas Acland, the "religious Member of Parliament and intimate of Wilberforce," whom Miss Way refers to. See also, E. Daudet, *Autour du Congrès d'Aix-la-Chapelle,* in *Le Correspondant,* vol. ccxxviii, pp. 38-60 (1907); "Life of Wilberforce," *supra,* vol. v, pp. 1-4; "Life of Bishop Samuel Wilberforce," by A. R. Ashwell, vol. i, pp. 4, 5, 6, 65, 85, 116, 158, 212; "Dictionary of National Biography," vol. i, Acland; Sweet, "Life of Sir Henry Hoare." Knutsford's "Life and Letters of Zachary Macaulay," London, 1900, pp. 345-6; "Supplementary Despatches of the Duke of Wellington," vol. xii, pp. 673, 760-1.

Robert Owen, the Socialist, also was present in the interest of his propaganda, and, curiously enough, he was armed with a letter of introduction from "his friend Nathan Rothschild," to von Bethmann, at whose house in Frankfort Alexander I again stopped on his way to the Conference, and who showed Owen many attentions. Bethmann, it will be remembered, is elsewhere referred to, *supra,* p. 59. See also, R. Owen, "Life of Robert Owen," London, 1857, vol. i, pp. 182-6, 190; vol. ia, pp. 212-22.

missionaries in question.[12] Early in his reign, he manifested his naturally liberal disposition, by conferring enlarged rights and privileges upon the Jews.[13] When he came more under reactionary influences, however, restrictive legislation affecting the Jews was imminent,[14] but the Bible Society influences induced him to call a halt on such measures, and to promote a programme of enlarged rights and broader general education for the Jews. These influences were strengthened by Alexander's appreciation of Jewish patriotism in the War of 1812 against Napoleon.[15] The statement of the missionary, Rev. John Paterson, at the London Society meeting of May 9, 1817,[16] that

> Emperor Alexander had been particularly interested in their [the Jews'] favor from their fidelity to him in the time of the French invasion

is confirmed by Jewish sources to the effect that the Czar issued a manifesto, expressing this appreciation.[17]

These incidents certainly manifested the Czar's deep interest in the education of his Jewish subjects, and, as seen, he was deeply concerned in educational programmes for all his subjects. He went further and afforded to the Jews free access to the public schools and universities of his empire, such as they were, and directed that in Jewish schools, maintained by the community, Russian, Polish, or German should be taught.[18] Unfortunately, plans of this kind emanating from Christian missionaries, engaged in proselytizing work among the Jews, were bound to create antagonism in-

[12] See *The Jewish Expositor,* 1818, pp. 239-41, 272.

[13] "A History of the Jews in Russia and Poland," Dubnow, vol. i, p. 335 *et seq.*

[14] *Ibid.,* p. 341 *et seq.*

[15] *Ibid.,* p. 355 *et seq.* See also, David Philipson, "Max Lilienthal," New York, 1915, pp. 172-3; S. M. Ginsburg, *Der vaterländische Krieg 1812 und die Juden,* Petrograd, 1912, cited by L. Scheinhaus, *Die Wohltaten des Hauses Romanov,* in *Allgemeine Zeitung des Judentums,* vol. lxxix, pp. 331-3 (1915).

[16] *The Jewish Expositor,* 1817, p. 228.

[17] L. Scheinhaus, *Die Geschichte der russischen Juden im 19. Jahrhundert,* Berlin, 1901, pp. 16-17, citing Dr. Mandelkern's (Hebrew) *Geschichte Russlands,* vol. iii, pp. 32-4; Raisin, "The Haskalah Movement," pp. 117, 128, 166. Scheinhaus also makes a statement, found as well in substance in Herman Rosenthal's article on Alexander I in "The Jewish Encyclopedia," Graetz's history, and M. Philippson's work, vol. i, pp. 135, 136, to the effect that Alexander stated that "if, through his efforts to ameliorate the condition of the Jews, he would succeed in bringing forth only a single Mendelssohn among his subjects, he would feel amply compensated." In the biography of Josef Perl contained in M. Ehrentheil's *Jüdische Charakterbilder,* Pesth, 1867, at p. 89, reference is made to the fact that the Czar Alexander I presented a gold medal to Perl about 1816 in appreciation of his services in establishing an elementary Jewish school at Tarnopol.

[18] Dubnow, *supra,* vol. i, pp. 344-5. See also, *supra,* pp. 54, 55, 87.

stead of coöperation among a people who, for centuries, cheerfully accepted martyrdom on account of their religion.[19] The combination in one ministry, under Galitzin, of the departments of ecclesiastical affairs and public education was unwise, to say nothing of Galitzin's unfortunate personal participation in conversionist propaganda. In consequence, such well-laid Jewish educational plans as David Friedländer prepared at governmental instance in 1816,[20] subsequently, in 1819, published under the title, *Ueber die Verbesserung der Israeliten im Königreich Pohlen*, were received with suspicion, instead of favor, by the majority of the Jews of Russia and Poland. In the present paper further evidence is collated of Alexander's course in promoting Jewish emancipation in the matter of addressing official communications on behalf of the Jews, through Nesselrode, to the municipality of Hamburg prior to the Congress of Vienna, and thereafter to that of Frankfort, in conjunction with Austria, Prussia and England, in order to secure to the Jews the enlarged rights accorded them at the Vienna Congress (pp. 37, 45-6). Alexander and some of his ministers had, therefore, apparently interested themselves in such international representations before Way evolved his Aix-la-Chapelle plan. Unfortunately, as we have seen, Alexander's entire attitude towards "foreign religions," including the Jewish, changed afterwards and caused the downfall of Galitzin and the Bible Society.[21]

Independent confirmation of Way's relations to Alexander I is furnished by an official despatch, sent by Lord Cathcart, British Ambassador at St. Petersburg, to Viscount Castlereagh under date of July 30, (August 11,) 1818, in which it was said:

> Alexander is devout and reads some chapters in the Bible every day. He is indefatigable in printing and publishing the Sacred Writings through his dominions in every language, and accompanied by the plainest and most

[19] In J. S. Raisin's "The Haskalah Movement," pp. 118, 124-7, some additional interesting facts are collated regarding the effect of Alexander's educational reforms among the Jews. Dr. Raisin, pp. 129-130, erroneously contends that Way was responsible for Alexander's Israelite-Christian concessions of March 25th, 1817, which were in fact promulgated some months before Way's mission to Russia began. As applied to the proposed Crimean colony the statement may be true, however. In a biography of Way in *The Everlasting Nation*, vol. i, pp. 145-151, at p. 149 it was stated: "The Czar gave him [Way] a letter for Solomon, the first Russian missionary to the Jews, giving him full freedom of action, a thing which, as the Czar himself said, had never before been done by any Ruler, since the letter King Artaxerxes sent by Nehemiah to the Governors beyond the Euphrates." Nehemiah, ii, 7-9.

[20] See Dr. M. Wischnitzer, *Drei Briefe David Friedländers an den Erzbischof von Warschau*, reprinted in *Allgemeine Zeitung des Judentums*, vol. lxxii, pp. 353, 354.

[21] Dubnow, *supra*.

useful tracts and guides for reading them he can find in our language. He protects the missionaries and is easy of access on these subjects. He had two long conferences with Mr. Way and approved much of him, without, however, being equally sanguine in his expectation of converting the Jews. His Imperial Majesty respects the endeavor and is disposed to support it and to make provision for converts.[22]

Prince Metternich, who wielded great influence over Alexander, especially during the last ten years of his life, in his "Memoirs" published an interesting character study of Alexander,[23] and also wrote an account of the Bible Societies and the Emperor Alexander.[24] He concludes his account of Alexander's life as follows: [25]

The Emperor Alexander died of weariness of life. Seeing himself deceived in all his calculations, under the necessity of himself striking at a class of his own subjects who had been led astray and instigated by men and principles whom he himself had long supported, his heart broke, and the events which clouded the accession of his successor, remained a proof of the troubles which embittered the last moments of Alexander.

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[22] "Supplementary Despatches of the Duke of Wellington," London, 1865, vol. xii, p. 673.
[23] Vol. i, pp. 314-34.
[24] Vol. iii, pp. 62-70, Sections 239-41.
[25] P. 332.

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